

## The Gazette



## of India

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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th December, 1962:—

Issue No.	No. and Date	Issued by	Subject
350	S. O. 3644, dated 29th November, 1962.	Ministry of Finance	Declaring that no person in the whole of India shall, save with the permission of the Central Government, enter into any contract for the sale or purchase of securities other than such spot delivery contract or contract for cash or hand delivery or special delivery in any securities.
351	S. O. 3645, dated 1st December, 1962.	Ministry of Finance	Rescinding the notification No. 156—Customs, dated the 1st October, 1955.
	S. O. 3646, dated 1st December, 1962.	Do.	Rescinding the notification No. 157—Customs, dated the 1st October, 1955.
	S. O. 3647, dated 1st December, 1962.	Do.	Rescinding the notification No. 168—Customs, dated the 26th December, 1959.
	S. O. 3648, dated 1st December, 1962.	Do.	Rescinding the notification No. 4—Customs, dated the 3rd January, 1955.
352	S. O. 3649, dated 1st December, 1962.	Ministry of Information & Broadcasting.	Approval of films specified therein.
	S. O. 3650, dated 1st December, 1962.	Do.	Approval of film specified therein.
353	S. O. 3651, dated 3rd December, 1962.	Ministry of Commerce & Industry.	Appointment of Shri Shrikrishna Agrawal as Chairman and Shri P. H. Raval as Member of the body of persons appointed to enquire into the affairs of the Deepak Textile Industries Private Limited, Ahmedabad.

Issue No.	No. and date	Issued by	Subject
354	S. O. 3652, dated 4th December, 1962.	Ministry of Law	Election to fill casual vacancy.
355	S. O. 3721, dated 6th December, 1962.	Cabinet Secretariat	Amendments in the Government of India (Allocation of Business) Rules, 1961.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### **PART II—Section 3—Sub-section (ii)**

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).**

#### **ELECTION COMMISSION, INDIA**

*New Delhi, the 7th December 1962*

**S.O. 3725.**—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby cancels with immediate effect its notification No. 434/AS/61(1), dated the 26th January, 1962, as subsequently amended vide its notification No. 434/AS/61(1), dated the 17th February, 1962, and notification No. 434/AS/61(1), dated the 23rd February, 1962.

[No. 434/AS/62(1).]

By order,

**PRAKASH NARAIN**, Secy.

#### **MINISTRY OF HOME AFFAIRS**

*New Delhi, the 11th December 1962*

**S.O. 3726.**—In exercise of the powers conferred by entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59-(V)-P.IV, dated the 13th July 1962 (GSR No. 991, published in the Gazette of India Part II, section 3, sub-section (ii), dated the 28th July, 1962), the Central Government is pleased to specify Raj Kumar Divyabhanusinh, brother of the ruler of Mansa, for the purpose of that entry and directs that the exemption shall be valid in respect of one gun/rifle and one pistol/revolver only.

[No. 16/12/62-P.IV.]

**S. K. SINGH**, Under Secy.

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CORRIGENDUM

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*New Delhi, the 5th December 1962*

**S.O. 3727.**—In the Punjab Regional Committees (Second Amendment) Order, 1962, published with the notification of the Government of India, in the Ministry of Home Affairs No. S.O. 3193 dated the 17th October, 1962, in the Gazette of India, Part II, Section 3(ii) dated the 20th October, 1962, in the opening paragraph of clause 2.

*for '1947' read '1957'.*

[No. 40/3/62-SR(R).]

P. N. KAUL, Dy. Secy.

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

*New Delhi, the 10th December 1962*

**S.O. 3728.—Statement of the Affairs of the Reserve Bank of India, as on the 30th November 1962**  
**BANKING DEPARTMENT**

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up. . . . .	5,00,00,000	Notes . . . . .	12,47,57,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,14,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	61,00,00,000	Small Coin . . . . .	2,18,000
National Agricultural Credit (Stabilisation) Fund . . . . .	7,00,00,000	National Agricultural Credit (Long Term Operations) Fund . . . . .	
Deposits :—		(a) Loans and Advances to :—	
(a) Government		(i) State Governments . . . . .	23,93,63,000
(i) Central Government . . . . .	57,90,02,000	(ii) State Co-operative Banks . . . . .	11,48,84,000
(ii) State Governments . . . . .	10,23,45,000	(iii) Central Land Mortgage Banks . . . . .	..
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures . . . . .	2,84,88,000
(i) Scheduled Banks . . . . .	68,77,90,000	National Agricultural Credit (Stabilisation) Fund . . . . .	
(ii) State Co-operative Banks . . . . .	1,68,93,000	Loans and Advances to State Co-operative Banks . . . . .	..
(iii) Other Banks . . . . .	4,60,000	Bills Purchased and Discounted :—	
(c) Others . . . . .	162,06,64,000	(a) Internal . . . . .	..
Bills Payable . . . . .	37,34,89,000	(b) External . . . . .	..
Other Liabilities . . . . .	39,41,65,000	(c) Government Treasury Bills . . . . .	78,44,47,000
		Balances held abroad* . . . . .	5,44,57,000
		Loans and Advances to Governments** . . . . .	9,84,00,000
		Loans and Advances to :—	
		(i) Scheduled Banks† . . . . .	5,20,45,000
		(ii) State Co-operative Banks†† . . . . .	133,60,30,000
		(iii) Others . . . . .	1,73,07,000
		Investments . . . . .	213,28,51,000
		Other Assets . . . . .	32,13,47,000
Rupees . . . . .	530,48,08,000	Rupees . . . . .	530,48,08,000

\*Includes Cash and Short Term Securities.

\*\*Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund.

† Includes Rs. 1,43,08,000 advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 5th day of December, 1962.

An account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 30th day of November 1962  
ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . . .	12,47,57,000		Gold Coin and Bullion :—		
Notes in circulation . . . .	2071,30,78,000		(a) Held in India . . . .	117,76,10,000	
Total Notes Issued . . . .		2083,78,35,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	88,08,43,000	
			TOTAL . . . .		205,84,53,000
			Rupee Coin . . . .		124,64,72,000
			Government of India Rupee Securities . . . .		1753,29,10,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES . . . .		2083,78,35,000	TOTAL ASSETS . . . .		2083,78,35,000

Dated the 5th day of December, 1962.

M. V. RANGACHARI,  
Deputy Governor.

[No. F.3(2)-BC/62.]

A. BAKSI, Jt. Secy.

**(Department of Economic Affairs)***New Delhi, the 11th December 1962*

**S.O. 3729.**—In pursuance of rule 6 of the Industrial Finance Corporation Rules, 1957, the Central Government hereby notifies that the Corporation has, with the prior approval of the Central Government, fixed the rate of interest to be charged by the Corporation on the foreign currency sub-loans granted by it out of the second dollar loan sanctioned by the Agency for International Development of the U.S.A. Government, at  $8\frac{1}{2}$  per cent. per annum less a rebate of  $\frac{1}{4}$  per cent. for punctual repayment of principal and payment of interest (net  $7\frac{3}{4}$  per cent.) plus an extra  $\frac{1}{4}$  per cent. per annum to provide for incidental expenditure.

[No. F. 2(97)-Corp/62.]

M. K. VENKATACHALAM, Dy. Secy.

**(Department of Revenue)****CUSTOMS***New Delhi, the 15th December, 1962*

**S.O. 3730.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 125, dated the 15th September, 1962, namely:—

In the said notification, for the figures, words and brackets "50 grams in weight (gross)", the figure, words and brackets "1 kilogram in weight (net)" shall be substituted.

[No. 189.]

**S.O. 3731.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 126, dated the 15th September, 1962, namely:—

In the said notification for the figures, words and brackets "25 grams in weight (gross)", the figure, words and brackets "1 kilogram in weight (net)" shall be substituted.

[No. 190.]

**S.O. 3732.**—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 127, dated the 15th September, 1962, namely:—

In the said notification, for the figures, words and brackets "25 grams in weight (gross)", the figure, words and brackets "1 kilogram in weight (net)" shall be substituted.

[No. 191.]

S. VENKATESAN, Dy. Secy.

**(Department of Revenue)****CUSTOMS***New Delhi, the 15th December, 1962*

**S.O. 3733.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby rescinds the Ministry of Finance (Department of Revenue) Notification No. 138-Customs, dated the 6th January, 1962

[No. 192.]

J. BANERJEE, Dy. Secy.

(Department of Revenue)

CORRIGENDUM

INCOME-TAX

New Delhi, the 6th December 1962

**S.O. 3734.**—In the Notification of Ministry of Finance (Department of Revenue) No. S.O. 3331, dated the 30th October, 1962 published on pages 2259 to 2262 in Part II—Section 3—Sub-section (ii) of the Gazette of India Extraordinary, dated the 30th October, 1962, on page 2261 in Form II, in the heading to columns 5, 6 and 7, insert “the” between “by” and “employee”.

[No. 73-I.T.(3(57)-58/TPL).]

S. K. GHATAK, Under Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 5th December 1962

**S.O. 3735.**—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue appoints the Officers specified in the 3rd, 4th, 5th and 6th columns of the Schedule below, to perform all the functions of an Income-tax Officer, Inspecting Assistant Commissioner of Income-tax, Appellate Assistant Commissioner of Income-tax and the Commissioner of Income-tax respectively in respect of the persons specified in the corresponding entry in the 2nd column thereof:

Provided that nothing herein contained shall apply to cases or classes of cases assigned to Commissioners of Income-tax (without reference to area) in pursuance of directions issued under sub-section (1) of section 121 of the said Act.

SCHEDULE

Sl. No.	Persons	Income-tax Officer	Inspecting Assistant Commissioner of Income-tax	Appellate Assistant Commissioner of Income-tax	Commissioner of Income-tax
1	2	3	4	5	6
1	Employees of the Burmah Oil Co. (Pipe Lines) Ltd. stationed anywhere in India.	Income-tax Officer, B-Ward District IIIA, Calcutta.	Inspecting Assistant Commissioner of Income-tax R-XIV, Calcutta.	Appellate Assistant Commissioner of Income-tax, D-Range, Calcutta.	Commissioner of Income-tax, West Bengal, Calcutta.

[No. 88(F. No. 55/114/61-IT).]

J. RAMA IYER, Under Secy.

OFFICE OF THE COLLECTOR OF CUSTOMS & CENTRAL EXCISE,  
COCHIN-1

Cochin, the 30th November 1962

**S.O. 3736.**—In exercise of the powers conferred by clause (a) of Section 2 of the Indian Central Coconut Committee Act, 1944, and clause (b) of Section 2 of the Indian Central Oil Seeds Committee Act, 1946, I hereby authorise the

Superintendents of Central Excise (i) Tellicherry, (ii) Kozhikode, (iii) Ernakulam, (iv) Muvattupuzha, (v) Kottayam, (vi) Alleppey and (vii) Trivandrum Circles to perform within their respective jurisdiction the duties of the Collector imposed under Sections 10, 11 and 13 of the aforesaid Acts.

[No. C. VII/1/11/62 Accts.Cx.]

A. K. BANDYOPADHYAY, Collector.

## THE MADRAS CENTRAL EXCISE COLLECTORATE

### CENTRAL EXCISE

*Madras, the 6th December 1962*

**S.O. 3737.**—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Superintendents of Central Excise in the Madras Central Excise Collectorate to exercise the powers of Collector of Central Excise within their respective jurisdiction in regard to sanction of refund of initial deposits paid under compounded levy scheme by manufacturers of Khandasari Sugar under Rule 92B(3) of Central Excise Rules, 1944 subject to the monetary limit of Rs. 500/- in each case.

[C. No. IV/16/207/58.C.E.Pol.]

A. K. ROY, Collector.

## CENTRAL EXCISE COLLECTORATE, NEW DELHI

### CENTRAL EXCISE

*New Delhi, the 10th December 1962*

**S.O. 3738.**—In the table annexed to this Collectorate Notification issued under S.O. 1318, dated the 3rd June, 1961, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 10th June, 1961 and as amended by Notification No. 2/61, dated the 4th August, 1961, the following further amendment shall be made:—

Against the powers of "Deputy Collector" delete the words "extending over the whole of Rajasthan" appearing in the end in col. 3 of the said Notification.

[No. 7/62.]

K. NARASIMHAN, Collector.

## COLLECTORATE OF CENTRAL EXCISE, CALCUTTA

### CENTRAL EXCISE

*Calcutta, the 7th December 1962*

**S.O. 3739.**—In exercise of the powers conferred on me by Rule 233 of Central Excise Rules, 1944, I hereby rescind this Collectorate Notification No. 12/1960, dated 30th December, 1960.

[No. 13/1962.]

VIPIN MANEKIAI, Collector.

## COLLECTORATE OF CENTRAL EXCISE, PATNA

(Bhagalpur Division)

### NOTICE

*Bhagalpur, the 5th December 1962*

To

Shri Omprakash Agarwal,  
S/o Shri Bhagwan Dass,  
C/o Shri Bhuri Singh Agarwal,  
Agarwal House, Ukilpara,  
P.O. and District Jalpaiguri,  
West Bengal.

**S.O. 3740.**—Whereas the action as per this office Adjudication Order No. 4-IC/62, dated 3rd July 1962 to adjudge confiscation of the seized goods absolutely



under provisions of section 167(8) of the Sea Customs Act, 1878 read with section 3(2) of the Import and Export Control Act, 1947, is pending in this office for want of service on you being returned by the postal authority undelivered with the remarks 'Left'.

Now, therefore, you are hereby informed that you should arrange to take delivery of the said Adjudication Order on any working day within 7 days from the date of publication of this notice failing which necessary action as per Adjudication Order will be taken.

[No. C. VIII(10)11/61/13428.]

S. C. DUTTA CHOWDHURY,  
Assistant Collector.

## MINISTRY OF COMMERCE AND INDUSTRY

Bombay, the 19th October 1962

**S.O. 3741.**—In exercise of the powers conferred on me by clauses 4, 7 and 12 of the Cotton Control Order, 1955, and of all other powers enabling me in this behalf, I hereby make the following further order in respect of Indian cotton marketed in India from the date of this notification.

### 1. DELIVERY OF INDIAN COTTON TO MANUFACTURERS:—

(a) *Cotton not accompanied by pre-sale valuation certificates.*—(i) Manufacturers making purchases of cotton for ready delivery shall request the East India Cotton Association Ltd., Bombay or its representative at the zonal centres for the appointment of supervisors and authorised controllers simultaneously for drawing the samples in cases where a pre-sale certificate has not been obtained.

(ii) The East India Cotton Association Ltd., Bombay, or its representatives shall notify to the manufacturer, the name of the supervisor and the authorised controller simultaneously given intimation of the appointment to the concerned, supervisor and the controller.

(iii) The authorised controller shall then draw the samples for survey by the Zonal Committee or by the East India Cotton Association Ltd., Bombay under instructions of and in the presence of the supervisor.

(b) *Cotton accompanied by pre-sale valuation Certificate.*—(i) In the case of cotton where a pre-sale valuation certificate has been obtained before the date of this notification, if such certificate has been obtained from the East India Cotton Association Ltd., Bombay, or the Zonal Committee, the supervisor may, in his own discretion or if desired by the manufacturer for whom he acts prefer an appeal to the *Ad Hoc* Committee and for that purpose, cause the samples to be drawn in the manner prescribed in sub-paragraph (a) (iii) above.

(ii) If the pre-sale valuation certificate has already been issued by the *Ad Hoc* Committee on appeal prior to the date of this notification, no further appeal shall lie against the award.

(c) (i) If after the issue of this notification a pre-sale valuation certificate is obtained from the East India Cotton Association Ltd., or the Zonal Committee on the samples drawn in the manner prescribed in sub-paragraph (a) (iii) above, an appeal will lie to the *Ad Hoc* Committee in terms of the Textile Commissioner's Notification No. S.O. 2892, dated the 5th September, 1962.

(ii) If, however, an appeal is made 7 days after the date of the certificate issued by the Zonal Committee or the East India Cotton Association Ltd., Bombay, fresh samples shall be drawn for the *Ad Hoc* Committee in the manner prescribed in sub-paragraph (a) (iii) above.

(iii) *Payment of charges.*—(A) In the case of a pre-sale valuation certificate issued by the East India Cotton Association Ltd., Bombay, or the Zonal Committee, the charges of the authorised controller and supervisor for drawing the samples shall be paid by the applicant. In case of appeal, the person preferring the appeal shall bear these charges.

(B) Where cotton is ready for delivery against sale to the manufacturer and is not accompanied by any pre-sale valuation certificate, the buyer-manufacturer

shall pay the charges of the authorised controller for drawing the samples in addition to the commission of the supervisors.

(C) In the event of an appeal to the *Ad Hoc* Committee in such cases, the party preferring the appeal shall bear the appeal fees.

(d) *Mode of payment for cotton.*—(i) The seller shall not directly receive from the buyer-manufacturer an amount exceeding  $92\frac{1}{2}$  per cent. of the invoice value of the cotton sold by him against delivery. The amount received should be intimated by the seller to the supervisor along with a copy of the invoice.

(ii) The balance of  $7\frac{1}{2}$  per cent. of the sale value shall be paid by the buyer manufacturer to the seller only through the supervisor as mentioned in subparagraph d (iii) below after the Supervisor has certified (i) that the price agreed to is in accordance with the final survey certificate and (ii) that the weights shown are in order.

(iii) The buyer-manufacturer shall deposit with the Supervisor the balance of  $7\frac{1}{2}$  per cent. of the value prior to the delivery of cotton, and upon such deposit the buyer-manufacturer shall be entitled to obtain delivery from the seller.

(iv) Such deposit shall be made only by a crossed order cheque or by a banker's draft.

(v) The Supervisor in turn shall pay the balance to the seller by a crossed order cheque or a banker's draft *immediately* in accordance with the provisions of sub-paragraphs (e) and (f) below. In case of default in payment, the Supervisor shall be personally liable to the seller.

(vi) After the buyer manufacturer has deposited with the Supervisor  $7\frac{1}{2}$  per cent. of the value of the cotton sold, it shall be open to the seller to demand from the Supervisor a bank guarantee or any other guarantee satisfactory to him, under which payment of the balance of the sale value to him shall be secured. In the event of the Supervisor failing to furnish such guarantee, the seller may refuse to deliver the cotton and the Supervisor shall be liable to return forthwith the entire amount of the deposit to the buyer manufacturer.

(e) (i) If the price already agreed upon between the buyer-manufacturer and the seller is found by the Supervisor to be equal to or lower than the ceiling price indicated by the Zonal Committee or the *Ad Hoc* Committee as the case may be, the Supervisor shall pay to the seller the balance amount of  $7\frac{1}{2}$  per cent. lying with him as deposit.

(ii) If the ceiling price indicated in the award of the Zonal Committee or the *Ad Hoc* Committee as the case may be, is lower than the price agreed upon between the seller and the buyer-manufacturer, the Supervisor shall pay to the seller only the balance if any due to the seller, on the basis of the final valuation certificate. If, after this payment, any balance is left over with the Supervisor, it shall be promptly returned by him to the buyer-manufacturer by a crossed order cheque or a banker's draft.

(f) In case the valuation is made by the Zonal Committee or the E.I.C.A. Bombay and any of the parties wants to prefer an appeal under sub-para (x) of para 5 of the Textile Commissioner's Notification No. S.O. 2892, dated 5th September, 1962, to the *Ad Hoc* Committee, intimation of such intention should be given to the Supervisor within 48 hours of the date of the valuation certificate issued by the Zonal Committee. In such cases, the Supervisor shall not pay the balance till the *Ad Hoc* Committee's final appeal certificate is received. He should thereafter act on the basis of the final appeal certificate issued by the *Ad Hoc* Committee.

(g) *Appointment of Supervisors.*—(i) A panel of Supervisors shall be prepared by the Textile Commissioner from out of the names recommended to him from time to time jointly by the Presidents of the Indian Cotton Mills' Federation and the East India Cotton Association Ltd., Bombay. Instructions as to the manner of drawing samples shall be given by the East India Cotton Association Ltd., Bombay to the Supervisors who shall strictly comply with the same.

(ii) The party concerned shall apply to the East India Cotton Association Ltd., Bombay or its local representatives for nominating a Supervisor to discharge the duties under this order in relation to the transactions and the East

India Cotton Association Ltd., or its representative will thereupon nominate a Supervisor from the panel prepared by the Textile Commissioner.

(iii) The Textile Commissioner shall have the right to appoint any particular Supervisor for any particular mill.

(iv) The Textile Commissioner shall also have the right to cancel the appointment of any Supervisor without assigning any reasons.

(v) The Supervisor shall be entitled to be paid a commission for his services at the rate of  $\frac{3}{8}$  per cent. of the final invoice value of the cotton. Such commission shall become due and payable upon ascertainment of the final invoice value. At the option of the Supervisor, he may demand from a buyer-manufacturer a deposit against the commission due and payable to him.

(vi) The Supervisor shall also have the powers of checking with the mills whether or not cotton is purchased against a valid quota issued by the Textile Commissioner. He may also check up whether the weights indicated in the invoices are in order.

(vii) In cases where a manufacturer has been given permission for ginning 'kapas', the Supervisor shall check on the samples of lint cotton drawn by him and the Authorised Controller in the manner prescribed in sub-paragraph (a) (iii) above and submitted to the Zonal Committee or to the Ad Hoc Committee as the case may be, whether the price paid by the mill for the 'kapas' bears a reasonable relation to the price fixed by the Textile Commissioner for the lint cotton.

(viii) If the price actually paid by the manufacturer for 'kapas' is found to be higher than the price warranted by the Textile Commissioner's maximum price for the lint cotton, the lint cotton so produced shall be liable to be requisitioned and the permission to buy and gin 'kapas' shall be liable to be withdrawn.

(ix) No Supervisor shall act for drawing samples of cotton for a buyer-manufacturer in case of sales by his own firm as trader or by a firm in which he or any one of his partners is having a direct or indirect controlling or financial interest. Similarly, no Supervisor who has been acting as cotton buying agent or muccadam of any buyer-manufacturer shall draw samples on account of such buyer-manufacturer in the capacity of a Supervisor.

## 2. STOCKS WITH MANUFACTURERS.

(a) No manufacturer shall have in his possession on any date a quantity of Indian cotton, and foreign cotton stapling 1" and below in excess of three times the average monthly consumption of such cotton during the previous season 1961-62.

Provided that in case of manufacturers who have exported in terms of value during the calendar year 1961 or in any other approved year, one-fourth or more of their production of cotton yarn and/or cloth and also in case of upcountry mills which have been specifically permitted by the Textile Commissioner, the stocks may be held to the extent of a maximum of 4 times the average monthly consumption of Indian cotton, and foreign cotton stapling 1" and below in the previous season 1961-62.

(b) In case any manufacturer has in this possession on the date of this notification a quantity of Indian cotton, and foreign cotton stapling 1" and below in excess of the limit specified above, he shall adjust his future purchases against the quotas issued by Textile Commissioner from time to time in such manner that his stocks by 31st December, 1962 are reduced to the limits prescribed above and thereafter he shall maintain the stocks within the prescribed limits.

3. The terms "Ad Hoc Committee", "Survey Committee" "Authorised Controllers" and "Zonal Committee" shall have the meaning given to them in the Textile Commissioner's Notification No. S.O. 2892, dated, 5th September, 1962.

4. The provisions of this notification shall not apply to Bengal Deshi cotton either for internal consumption or for exports. Bengal Deshi cotton will, however, continue to be governed by the provisions of the Textile Commissioner's Notification's No. 2892, dated 5th September, 1962.

Sd/- R. DORAISWAMY,  
Textile Commissioner.

*New Delhi, the 5th December 1962*

[No. 24(4)-Tex(A)/62.]

A. B. DATAR, Under Secy.

*New Delhi, the 7th December 1962*

**S.O. 3742.**—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947) and in supersession of all orders and notifications of the Central Government on the subject in so far as they relate to import and export of any goods into or from any port or place in India from or to any place in Tibet Region of China, the Central Government hereby prohibits the import and export of all goods, directly or indirectly, into or from any port or place in India from or to any place in the Tibet Region of China.

[No. 15/4/61-EI.]

C. S. RAMACHANDRAN, Jt. Secy.

**(Office of the Deputy Chief Controller of Imports & Exports)**

**(Central Licensing Area)**

NOTICE

*New Delhi, the 26th November 1962*

**S.O. 3743.**—It is hereby notified, that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the import Licence No. A604855/61/AU-NS/CCI/D, dated 29th August 1962 valued at Rs. 1,250/- for import of Palm Oil from General Area, granted by the Deputy Chief Controller of Imports and Exports, (Central Licensing Area), New Delhi to M/s. Harbans Singh Joginder Singh, 1797/7, Chowk Chabutra, 1/5 Gilwali Gate, Amritsar, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports, (Central Licensing Area), New Delhi within ten days of the date of issue of this notice by the said M/s. Harbans Singh Joginder Singh, Amritsar, or any Bank, or any other party, who may be interested in it.

2. In view of what is stated above, M/s. Harbans Singh Joginder Singh, Amritsar, or any Bank, or any other party, who may be interested in the said licence No. A604855/61/AU-NS/CCI/D, dated 29th August 1962 are hereby directed not to enter into any commitments against the said licence and return the same immediately to the Deputy Chief Controller of Imports and Exports (Central Licensing area), Janpath Barracks 'B', New Delhi-1.

[No. Genl/254/AM-63/Pol/CLA.]

RAM MURTI SHARMA,

Dy. Chief Controller, Imports and Exports.

**(Indian Standards Institution)**

*New Delhi, the 5th December 1962*

**S.O. 3744.**—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that amendments to the Indian Standards given in the Schedule hereto annexed have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 358-1953 Specification for Benzene Industrial, Grade 2.	S.R.O. 658 dated 26th March, 1955.	No. 1 October, 1962.	In clause 3.1 line, 3 sub, clause B-2.2.2, line 4, sub-clause B-2.3.4, lines 3 and 4 (line 4 in reprint of June 1962) and (Fig. 3) existing fps values have been replaced by rationalized metric values.	1 Dec., 62
2	IS : 435-1954 Specification for Castor Oil.	S.R.O. 658 dated 26 March, 1955.	No. 1 October, 1962.	In clause 5.2 the existing fps values have been replaced by rationalized metric values.	1 Dec., 62
3	IS : 602-1955 Code of Practice for Construction of Bukhori type Rural Grain Storage Structure.	S.R.O. 701 dated 24 March, 1956.	No. 1 October, 1962.	All quantities and dimensions in this Standard have now been given in metric system.	1 Dec., 62.
4	IS : 602-1955 Code of Practice for Construction of Morai type Rural Food Grain Storage Structure.	S.R.O. 701 dated 24 March, 1956.	No. 1 October, 1962.	All quantities and dimensions in this Standard have now been given in metric system.	1 Dec. 62.
5	IS : 611-1955 Code of Practice for Handling Food Grain in Transit.	S.R.O. 701 dated 24 March, 1956.	No. 1 October, 1962.	All quantities and dimensions in this Standard have now been given in metric system.	1 Dec., 62.
6	IS : 680-1955 Specification for Cloth, Baratheia.	S.R.O. 774 dated 9 April, 1955.	No. 1 October, 1962.	This amendment to the Standard is in regard to relaxation shrinkage of Cloth.	1 Dec., 62.
7	IS : 695-1955 Specification for Glacial Acetic Acid, Pure, Pharmaceutical & Technical.	S.R.O. 2260 dated 15 October, 1955.	No. 1 July, 1962.	(i) Clause A-3.1, line 8— With substitute '2 kg' for '4 lb. (or 2 kg)'. (ii) Clause A-3.2, line 2 —substitute '500 g' for '1 lb. (or 450 g)'. (iii) Sub-clause B-2.1.1, lines 1 and 2)—Delete the words 'and dimensions'. (iv) On page 5 the existing Fig. 1 has been substituted by a new one.	With immediate effect.

(1)	(2)	(3)	(4)	(5)	(6)
8	IS : 722 (Part IV)—1961 Specification for AC Electricity Meters Part IV Three-Phase Kilowatt—Hour Meters with Maximum Demand Indicator.	S.R.O. 1633 dated 15 July, 1961.	No. 1 October, 1962.	(i) The existing last sentence of clause 0.2 has been substituted by a new one.	1 Dec., 62
				(ii) The existing sub-clause 0.2.1 has been substituted by a new one.	
				(iii) Clause 0.4, last line—substitute 'Appendices A and B of IS : 722 (Part I)—1962' for 'Appendices D and E respectively of IS : 722 (Parts I and II)—1955'.	
				(iv) The existing clause 14.1 has been substituted by a new one.	
				(v) Sub-clause 19.1.1, lines 1 and 2—substitute '[see 3.1 of IS : 722 (Part I)—1962]' for '[see 3.2 of Part I of IS : 722 (Parts I and II)—1955]'.	
				(vi) Clause 20.1, line 2—substitute '[see 3.2 of IS : 722 (Part I)—1962]' for '[see 3.3 of Part I of IS : 722 (Parts I and II)—1955]'.	
9	IS : 1038-1957 Specification for Steel Doors, Windows and Ventilators.	S.O. 544 dated 19 April, 1958.	No. 1 October, 1962.	(i) Page 6, Fig. 5—Add the following note above the caption of the figure:	1 Dec., 62.
				<p>NOTE.—Rolling tolerances on thickness <math>\pm 0.02</math> mm (or <math>1/128</math> in.). Measurements given to the nearest 0.1 mm or (<math>1/32</math> in.).</p>	
				(ii) Clause 9.1.1, line 7, the existing last sentence has been substituted by a new sentence.	
10	IS : 1061-1957 Specification for Coal Tar Disinfectant Fluids, Black and White.	S.R.O. 2909 dated 14 September, 1957.	No. 1 December, 1962.	Existing fps values have been replaced by rationalised metric values.	1 Dec., 62.

(1)	(2)	(3)	(4)	(5)	(6)
11	IS : 1064-1962 Specification for Paper sizes (Revised).	S.O. 635 dated 3 March, 1962.	No. 1 October, 1962.	Clause 5.4—Add the following as a new clause after 5.3 :  '5.4 The width of a raw stock reel shall correspond to one dimension of any of the untrimmed sizes, namely, RAO Standard, RAO Special RBI Standard and RCI Special'.	1 Dec., 62.
12	IS : 1131-1958 Specification for Bicycle Bottom Bracket-Axle.	S.O. 350 dated 14 February, 1959.	No. 1 September, 1962.	(i) Clause 3.1—Substitute the following for the existing clause. '3.1 the axle shall conform to the dimensions indicated in Fig. 1. The bearing portion shall be finished smooth.' (ii) The existing Fig. 1 has been substituted by a new one.	With immediate effect.
13	IS : 1477 (Part I)-1959 Code of Practice for Finishing of Iron & Steel in Buildings : Painting and Allied Finishes Part I Operations and Workmanship.	S.O. 1988 dated 13 August, 1960.	No. 1 October, 1962.	(i) The existing title and UDC number have been substituted by a new title and UDC number. (ii) Clause 0.2, line 2,—Substitute 'Ferrous Metals' for 'Iron and Steel'. (iii) Clause 0.4, reference to IS : 1477 (Part II), line 1 and 2—Substitute 'Ferrous Metals' for 'Iron and Steel'.	1 Dec. 62
14	IS : 1514-1959 Methods of Sampling and Test for Quick Lime.	S.O. 1572 dated 25 June, 1960	No. 1 October, 1962.	The existing item 8 has been substituted by a new item.	1 Dec., 62.
15	IS : 1776-1961 Specification for Folding Box Board, Uncoated.	S.M. 2534 dated 28 October, 1962.	No. 1 October, 1962.	(i) A new clause has been added after 4.2. (ii) The existing clause A-3.3 has been substituted by a new one.	1 Dec., 62.
16	IS : 1836-1961 Specification for Reamers.	S.O. 78 dated 13 January, 1962.	No. 1 October, 1962.	Some of the existing values have been replaced by new ones in Tables IX, X, XI and XII.	Dec., 62.

Copies of these Amendment Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9, Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Bombay-1, (ii) Third Floor, 11, Sooterkin Street, Calcutta-13, (iii) 2/21, First Line Beach, Madras-1, and (iv) 14/69, Civil Lines, Kanpur.

[No. MD/13 : 5]

sd.- C. N. MODAVAL,  
Head of the Certification Marks Division.

**MINISTRY OF STEEL & HEAVY INDUSTRIES**

(Department of Iron and Steel)

*New Delhi, the 10th December 1962*

**S.O. 3745/ESS. COMM/IRON AND STEEL-2(c)/AM(98).**—In exercise of the powers conferred by sub-clause (c) of Clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India in the Ministry of Steel, Mines and Fuel No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957.

In the schedule annexed to the said notification in columns 1 to 3 thereof, the following entries shall be added as Serial No. 15 for West Bengal, namely:—

1	2	3
"15 West Bengal	District Agricultural ers appointed by Government of Wes al.	4, 5, 18 and 20. In so far as the States Agriculture Quota is concerned.

[No. SC(A)-2(3)/61.]

H. S. GILL, Under Secy.

**MINISTRY OF MINES & FUEL***New Delhi, the 3rd December 1962*

**S.O. 3746.**—In exercise of the powers conferred by sub-section (2) of section 17 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government after consultation with the Government of Madhya Pradesh hereby declares that it proposes to undertake mining operation in respect of coal in the State of Madhya Pradesh in the areas specified in the Schedule below:—

Drawing No. Rev/70/62,  
Dated 30-9-62.

**SCHEDULE**

Sl. No.	Name of village	Village No.	Tahsil	District	Area	Remarks
1.	Matouli	446	Singrauli	Sidhi		Part.
2.	Nigai	288	Singrauli	Sidhi		Part.
3.	Murhbani	205	Singrauli	Sidhi		Part.

Total area—373.10 Acres (Approx.).

or  
151.11 Hectares (Approx.).

Plot Nos. to be acquired in village Matouli:—

582(P), 583(P), 584(P), 585(P).

Plot Nos. to be acquired in village Nigai:—

111(P), 112(P), 113(P), 114(P), 115(P), 155(P).

Plot Nos. to be acquired in village Murhbani:—

5(P), 7(P), 8(P), 9(P), 10(P).



**Boundary Description:—**

- A—B—C—D line passes through Plot Nos. 111, 112, 115, 114, in village Nigai and meeting at point 'D'.
- D—E—F line passes through Plot Nos. 114, 113, 155 in village Nigai and through Plot Nos. 5, 8, 7, 10, 9 in village Murhbani and meeting at point 'F'.
- F—G—H line passes through Plot No. 9 of village Murhbani and through Plot Nos. 584, 585, 583 in village Matouli and meeting at point 'H'.
- H—I—A line passes through Plot Nos. 583, 582 in village Matouli and through Plot No. 111 in village Nigai and meeting at point 'A'.

[No. F. C2-25(1)/61-Part.]

P. S. KRISHNAN, Under Secy.

**MINISTRY OF FOOD & AGRICULTURE**

(Department of Agriculture)

*New Delhi, the 5th December, 1962*

**S.O. 3747.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, published with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O.-358, dated the 4th February, 1959, namely:—

1. These rules may be called the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) seventh Amendment Rules, 1962.
2. In the Schedule to the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, under **Class III Non-gazetted posts**, after item 22 and the entries relating thereto, the following item and entries shall be inserted, namely:—

1	2	3	4	5	6
Research Assistant (Export Promotion)	One	General Central Service Class III Non-gazetted Non-Ministerial	Rs. 210-10-290-15-320-EB-15-425	Not applicable	Between 20—30 years

	7	8	9	10	11	12	13
1. A first or second class Honours degree or first or second class Master degree in Statistics, Economics or Commerce with Statistics as one of the subject of study.		Not applicable	Two yrs.	Direct recruitment	Not applicable	Not applicable	Not necessary.
2. Experience of collection, compilation of Agricultural Statistics.							

[No. 3-25/62-E. IV.]

B. R. KAPOOR, Under Secy.

## (Department of Agriculture)

*New Delhi, the 10th December 1962*

**S.O. 3748.**—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Control) Order, 1957, namely:—

1. This Order may be called the Fertiliser (Control) Ninth Amendment Order, 1962.

2. For clause 11 of the Fertiliser (Control) Order, 1957 (hereinafter referred to as the said Order), the following clause shall be substituted, namely:—

*"11. Application for registration of fertiliser mixtures.*—(1) Every person desiring to obtain a certificate of registration under this Order in respect of any mixture of fertiliser shall possess such qualifications as may be prescribed for the purpose by the State Government or shall employ a person possessing such qualifications for the preparation of such mixtures.

(2) The applicant shall make an application in duplicate to the registering authority in form D wherein he shall also be required to make a declaration that the mixture for which the certificate of registration is applied for,—

- (i) where the applicant is a qualified person, will be prepared by him or by any other person under his direction, supervision and control;
- (ii) where the applicant is not a qualified person, will be prepared by a qualified person employed by him, or
- (iii) will be prepared by any person under the direction, supervision and control of a qualified person employed by him.

(3) Every certificate of registration in respect of a mixture of fertilisers which was granted to any person before the 30th September, 1961, shall stand cancelled with effect from the 25th December, 1962, unless that person submits to the registering authority on or before the 25th December, 1962, a declaration in writing,—

- (a) that, where he is a qualified person, the mixture will be got prepared by him or by any other person under his direction, supervision, and control, or;
- (b) that, where he is not a qualified person, the mixture will be got prepared by a qualified person employed by him, or
- (c) that the mixture will be got prepared by any person under the direction, supervision and control of a qualified person employed by him, and that in case of any deficiency in the components of the mixture he (applicant) shall be responsible for that deficiency and that, where he is a qualified person, he possesses the qualifications referred to in sub-clause (1) or where he is not a qualified person, the person employed by him possesses the said qualifications.

3. In form D of the said Order under the heading 'Declaration', for clause (c) the following clause shall be substituted, namely:—

- "(c) I/We declare that the mixture for which a certificate of registration is applied for shall be prepared by me/us or by a person having such qualifications as may be prescribed by the State Government from time to time or by any other person under my/our direction, supervision and control or under the direction, supervision and control of a person having the said qualifications."*

4. In form E of the said Order under the heading "Terms and conditions of this certificate" for paragraph 3, the following paragraph shall be substituted, namely:—

- "5. The holder of this certificate shall ensure that the mixture in respect of which a certificate of registration has been obtained is prepared*

by him or by a person having such qualifications as may be prescribed by the State Government from time to time or by any other person under the direction, supervision and control of the holder or the person having the said qualifications."

[No. F. 16-7/61-M.]

S. K. MIRCHANDANI, Dy. Secy.

**(Department of Agriculture)**

**(I.C.A.R.)**

*New Delhi, the 5th December 1962*

**S.O. 3749.**—In exercise of the powers conferred by section 9 of the Indian Lac Cess Act, 1930 (24 of 1930), the Indian Lac Cess Committee, with the previous sanction of the Central Government, hereby makes the following Rules, namely:—

1. These rules may be called the Indian Lac Cess Committee Provident Fund (Amendment) Rules, 1962.

2. In the Indian Lac Cess Committee Provident Fund Rules, 1961, (hereinafter referred to as the said rules), rule 10 shall be re-numbered as sub-rule (1) thereof and after sub-rule (1) so re-numbered, the following sub-rule shall be inserted, namely:—

"(2) Subject to the provisions of sub-rule (1), in the case of a subscriber, subscribing to the Fund with retrospective effect under sub-rule (2) of rule 8, he shall be allowed to pay the amount of subscription due in such monthly instalments not exceeding twelve as he may elect".

3. Rule 25 of the said rules shall be omitted.

[No. 3-58/60-Com.III/IV.]

J. VEERA RAGHAVAN, Under Secy.

**(Department of Agriculture)**

**(I.C.A.R.)**

*New Delhi, the 7th December 1962*

**S.O. 3750.**—Under Section 4(x) of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to appoint Shri S. S. Puri, Deputy Secretary (Marketing) to the Government of India as member of the Indian Central Cotton Committee, Bombay upto 31st March, 1965 to represent the Ministry of Community Development, Panchayati Raj and Co-operation (Department of Co-operation).

[No. 1-4/62-Com.III.]

N. K. DUTTA, Under Secy.

**MINISTRY OF HEALTH**

*New Delhi, the 1st December 1962*

**S.O. 3751.**—The following draft of certain rules further to amend the Indian Port Health Rules, 1955, published with the notification of the Government of India in the Ministry of Health, No. S.R.O. 587, dated the 27th February, 1956, which the Central Government proposes to make in exercise of the powers conferred by clause (p) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908) is hereby published, as required by sub-section (2) of section 6 of the said Act, for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 10th March, 1963. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

## DRAFT RULES

1. These Rules may be called the Indian Port Health (Amendment) Rules, 1962.

2. In rule 2 of the Indian Port Health Rules, 1955, in sub-rule (20), for the words "means a certificate conforming with the requirements and the model laid down in Appendices 2, 3 and 4 to these Rules," the following words shall be substituted, namely:—

"means a certificate which—

- (i) conforms to the requirements and the model laid down in Appendices 2, 3 and 4 to these Rules;
- (ii) is issued only to individuals and cannot, in any circumstances, be used collectively;
- (iii) is issued, in the case of children, separately and is not incorporated in the mother's certificate;
- (iv) is completed in English or in French;
- (v) is signed, in the case of an international certificate, by the parent or guardian of a child who is unable to sign or is authenticated, in the case of an illiterate person, by the mark of such person duly attested by another person to whom the illiterate person is personally known;
- (vi) is signed, in the case of an international certificate issued in India, in his own hand by a qualified medical practitioner whose name is enrolled in the Indian Medical Register maintained under section 21 of the Indian Medical Council Act, 1956 (102 of 1956)."

[No. F. 14-2/62-IH.]

BASHESHAR NATH, Under Secy.

New Delhi, the 7th December 1962

S.O. 3752.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the notification of the Government of India in the Ministry of Health, No. S.R.O. 619, dated the 28th February, 1957, namely:—

In the Schedule to the said notification,—(i) in Part I, after the existing entries, the following entries shall be added namely:—

1	2	3	4	5
<i>"Goitre Pilot Survey Project, Punjab, Dharamsala</i>				
All Posts	Deputy General of Health Services	Director General of Health Services	Deputy Director General of Health Services	All Director General of Health Services."

(ii) in Part II, after the existing entries, the following entries shall be added namely:—

1	2	3	4	5
<i>"Goitre Pilot Survey Project, Punjab, Dharamsala.</i>				
All Posts	Deputy General of Health Services.	Director General of Health Services	Deputy Director General of Health Services	All Director General of Health Services."

[No. F. 28-16/61-MII]

R. MURTHI, Under Secy.

# MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

*New Delhi, the 5th December, 1962.*

**S.O. 3753.**—In pursuance of rules 107, 111, 112 and 114 of the Defence of India Rules, 1962, the Central Government hereby makes the following Order in regard to requisitioning of vessels (other than inland water craft propelled either by steam or by diesel oil):—

I. The following persons are appointed to exercise the powers of competent authority under the provisions of Part XI of the said Rules, namely:—

- (i) the Director General of Shipping;
- (ii) the Senior Deputy Director General of Shipping;
- (iii) the Deputy Director General of Shipping;
- (iv) Principal Officer, Mercantile Marine Department, Calcutta;
- (v) Principal Officer, Mercantile Marine Department, Bombay.
- (vi) Principal Officer, Mercantile Marine Department, Madras.

II. In rule 111 of the said Rules,—

- (1) the rate of interest referred to in clause (i) shall be four per cent. per annum (simple interest);
- (2) the depreciation of the vessel during the period of requisition shall be calculated at the rate and in the manner prescribed under the Income-tax Act, 1961 (43 of 1961) for vessels;
- (3) the percentage referred to in clause (iii) shall be four per cent. per annum on the depreciated value of the vessel assessed in the manner prescribed under the Income-tax Act, 1961 (43 of 1961) at the end of each year of requisition or, where the period of requisition is less than a year, at the end of that period.

III. For the purpose of determining the compensation payable for total loss of a vessel during requisition, the depreciation referred to in the first proviso to rule 112 of the said Rules shall be calculated at the rate and in the manner prescribed under the Income-tax Act, 1961, (43 of 1961).

IV. The amount of compensation for requisitioning of a vessel assessed by a competent authority shall be paid to the owner once in every six months, provided that if the amount due is not paid within sixty days of the due date, interest shall be paid at the rate of four per cent. per annum (simple interest).

[No. F. 33-MD(150)/62.]

*New Delhi, the 7th December 1962*

**S.O. 3754.**—In exercise of the powers conferred by sub-sections (1) and (2) of section 4 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Transport and Communications (Department of Transport) No. S.O. 946, dated the 24th April, 1961, namely:—

In the said notification, for the entry relating to serial number 15, the following shall be substituted, namely:—

“15. Shri K. K. Khadilkar”.

[No. F. 37-MD(9)/60.]

**B. P. SRIVASTAVA, Dy. Secy.**

**(Department of Communications and Civil Aviation)***New Delhi, the 4th December 1962*

**S.O. 3755.**—Whereas on the 1st December, 1962, an accident occurred, at Santacruz Airport, to an Indian Registered Boeing aircraft VT-DJJ, resulting in extensive damage to the aircraft due to fire:

And whereas, it appears to the Central Government that it is expedient to hold an inquiry into the said accident by a Committee of Inquiry;

Now, therefore, in exercise of the powers conferred by Rule 74 of the Indian Aircraft Rules, 1937, the Central Government hereby appoints a Committee of Inquiry composed of the following persons to hold an inquiry into the said accident, namely:—

1. Shri M. L. Sodhi, Director of Aeronautical Inspection, Civil Aviation Department—*Chairman*.
2. Shri M. H. Paranjpye, Controller of Aeronautical Inspection, Civil Aviation Department—*Member*.

[No. F. 7-A/61-62.]

K. GOPALAKRISHNAN, Dy. Secy.

**(P. & T. Board)***New Delhi, the 6th December 1962*

**S.O. 3756.**—In exercise of the powers conferred by section 10 of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), the Central Government hereby makes the following rules further to amend the Indian Wireless Telegraphy (Possession) Rules, 1933, namely:—

(1) These Rules may be called the Indian Wireless Telegraph (Possession) Amendment Rules, 1962.

(2) They shall come into force on the 1st January 1963.

(3) In the Indian Wireless Telegraphy (Possession) Rules, 1933,—

(i) in rule 2, in word “and” at the end of clause (c) shall be omitted, and after clause (d), the following clause shall be inserted, namely:—

“(e) ‘crystal wireless set’ means a wireless set the operation of which depends entirely on the energy derived from electromagnetic waves, and does not utilise any other source of power.”;

(ii) in rule 3, the word “and” at the end of clause (b) shall be omitted, and after clause (c), the following clause shall be inserted, namely:—

“(d) crystal wireless sets.”

[No. F. 1-99/62 BRL.]

H. N. AGGARWAL,  
Director of Wireless.

**MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS***New Delhi, the 5th December 1962*

**S.O. 3757.**—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the Schedule to the notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. S.O. 2054, dated the 9th September, 1959, namely:—

In the said Schedule, in Part II, General Central Service, Class III and Part III, General Central Service, Class IV, under the heading “Department or Archaeology”, sub-heading “Headquarters’ Office”,



for the existing entries in columns 2, 3 and 5, the following entries shall respectively be substituted, namely:—

2	3	5
Deputy Director General.	Deputy Director General.	Director General of Archaeology.

[No. F. 20(2)/62-Estt.II.]

B. N. BHARDWAJ, Under Secy.

## MINISTRY OF WORKS, HOUSING & SUPPLY

(Department of Rehabilitation)

New Delhi, the 4th December 1962

**S.O. 3758.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties in the State of U.P. specified in the schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the said evacuee properties (Specified in the schedule below).

### SCHEDULE

S. No.	Particulars or property	Name of the Locality/ town in which E.P. situated	Name of the Evacuee
1	2	3	4
1.	100/99A	Colonelganj, Kanpur	Shri Mushtaq Ali s/o Ishaq Ali.
2.	2/74	Khatakpura, Saddiqi, Farrukhabad.	Shri Mahmood Ali.
3.	20/80	—do—	—do—
4.	2/81	—do—	—do—
5.	89	Se'khbara, Unnao	Shri Sharafatullah.
6.		House Jalalpure, Kamalganj.	Shri Suleman s/o Aziz.

[No. 1(1217)58/Comp.III/Prop.]

M. J. SRIVASTAVA,  
Settlement Commissioner & *Ex-Officio*  
Under Secy.

**MINISTRY OF INFORMATION AND BROADCASTING***New Delhi, the 6th December 1962*

**S.O. 3759.**—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952, and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shrimati Jayasree Sen, and Shri Somendra Chandra Nandy as members of the Advisory Panel of the said Board at Calcutta with immediate effect.

[No. 11/4/62-FC.]

S. PADMANABHAN, Under Secy.

**MINISTRY OF LABOUR AND EMPLOYMENT***New Delhi, the 4th December 1962*

**S.O. 3760.**—In exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby adds to Part I of the Schedule to that Act the following employments, notice of its intention to do so having already been given by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1079, dated the 4th May, 1961, as required by the said section, namely:—

- (a) employment in gypsum mines;
- (b) employment in barytes mines; and
- (c) employment in bauxite mines.

[No. LWI(I)3(15)/61.]

VIDYA PRAKASH, Dy. Secy.

*New Delhi, the 5th December 1962*

**S.O. 3761.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri G. V. Vaidya and U. H. Sainani to be Inspectors for the whole of the State of Maharashtra for the purposes of the said Act or of any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 21(6)62-PFI.]

*New Delhi, the 6th December 1962***S.O. 3762.**—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of Messrs National Company Limited, Banipur, Sankrail, Howrah (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees Provident Fund Act, 1952 (19 of 1952), and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the condition mentioned in the Explanation to sub-section (1) of the said section.

## SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishment the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E. P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye Paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12·5 naye Paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye Paise; that is 2·5 naye Paise shall be counted as 5 naye Paise and any amount less than 2·5 naye Paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of 4½ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this Notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)/62-PF.II.]

S.O. 3763.—Whereas, in the opinion of the Central Government:—

(1) The rules of the provident fund of M/s. Mohini Mills Limited, (No. 2 mill) P. O. Belghoria, 24 Parganas (hereinafter referred to as the said establishment), with respect to the rate of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), and

(2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said Section.

**SCHEDULE**

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this Notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this Notification transfer to the Board of Trustees the accumulations standing to the credit

of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E. P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  % or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)/62.PFII.]

:S.O. 3764.—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of M/s. Robert Hudson (India) Limited, 2, Salya Doctor Road, Calcutta-23, (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st August, 1953, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

## SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of

employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E. P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of 4½% or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)/62-PFII.]

S.O. 3765.—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of Mill No. I and Mill No. II of M/s. Fort William Jute Company Ltd., Shibpur, Howrah (hereinafter referred to as the said establishments) with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishments are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby, exempts the said establishments with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.



## SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the

credit of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserves the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-PF.II.]

**S.O. 3766.**—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of the Victory Iron Works (P) Ltd., P-26, Benares Road, Belgachia P.O., District Howrah (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby, exempts the said establishment with effect from the 1st August 1953, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

### SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the

credit of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserves the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-PF.II.]

S.O. 3767.—Whereas in the opinion of the Central Government:—

- (1) The rules of the provident fund of Mills No. I, II and III of M/s. Howrah Mills Company Ltd., Ramkrishnapur, Howrah (hereinafter referred to as the said establishments), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishments are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishments with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

**SCHEDULE**

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations of payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of

employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of 4½ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)/62-PF.II.]

**S.O. 3768.**—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of the Mill No. I and Mill No. II of M/s. Khardah Company Ltd., Khardah, District 24-Parganas (hereinafter referred to as the said establishments); with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishments are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishments with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

**SCHEDULE**

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the

credit of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 Naye paise and any amount less than 2.5 Naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-PFII.]

**S.O. 3769.**—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of Messrs Hukam Chand Jute Mills Limited, P.O. Hazinagar, District 24 Parganas (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident Fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st November, 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.



## SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of

employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of 4½ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)/62-PFII.]

*New Delhi, the 7th December 1962*

**S.O. 3770.**—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of the Agarwal Hardware Works Private Ltd., 10 Stark Road, Lillooah, (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

## SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of

employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E. P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-PFII.]

S.O. 3771.—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of M/s. Binani Metal Works Ltd., Foreshore Road, Shibpore, Howrah (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st March, 1954, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

# SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient parts of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of

employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E. P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $\frac{1}{4}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-PFII.]

S.O. 3772.—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of the Mills No. I and II Telimpara, Hooghly of the Victoria Jute Company Ltd., Calcutta, (hereinafter referred to as the said establishments), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishments are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section 41 of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishments with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

# SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely. —

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1932;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of

employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E. P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-PFII.]

S.O. 3773.—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of M/s. National Iron and Steel Company Limited, Belur, Howrah (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.



# SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of

employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E. P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11/26/62/PFII.]

**S.O. 3774.**—Whereas, in the opinion of the Central Government:—

(1) The rules of the provident fund of M/s. Bengal Enamel Works Ltd., Palta, District, 24 Paraganas (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and

(2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st December 1953, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

**SCHEDULE.**

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of

employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment

[No. 11(26)/62-PF.II.]

**S.O. 3775.—Whereas, in the opinion of the Central Government:—**

(1) The rules of the provident fund of Mill No. I and Mill No. II at Titaghur and Kankinarrah of M/s. Titaghur Paper Mills Company Ltd., (hereinafter referred to as the said establishments), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and

(2) the employees in the said establishments are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby exempts the said establishments with effect from the 1st November, 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

# SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer' shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit

of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 Naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-P.F.II.]

**S.O. 3776.**—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of the two factories of M/s Calcutta Chemical Company Ltd., at 35 Panditia Road and 6 Tiljila Road, Calcutta (hereinafter referred to as the said establishments), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishments are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character:

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishments with effect from the 1st October 1956, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

# SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the employer) shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of 4½ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, failing which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-PF.II.]

**S.O. 3777.**—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of the Textile Machinery Corporation Ltd., Belghoria, District 24-Parganas (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st November 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.



### SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book. In such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, falling which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11(26)62-PFII.]

**S.O. 3778.**—Whereas, in the opinion of the Central Government:—

- (1) The rules of the provident fund of M/s Birla Laboratories, 2 Birpara Lane, Dum Dum, Calcutta-30 (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby exempts the said establishment with effect from the 1st October 1956, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

## SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12.5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12.5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2.5 naye paise shall be counted as 5 naye paise and any amount less than 2.5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of  $4\frac{1}{2}$  per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, falling which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11/26/62/PFII.]

**S.O. 3779.**—Whereas, in the opinion of the Central Government:—

(1) The rules of the provident fund of Shri Durga Cotton Spinning and Weaving Mills Limited, P.O. Konnagore, District Hooghly (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and

(2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby, exempts the said establishment with effect from the 1st November, 1952, from the operation of all the provisions of the said Scheme, subject to the conditions specified in the Schedule hereto annexed, which are in addition to the conditions mentioned in the Explanation to sub-section (1) of the said section.

### SCHEDULE

Every establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to each establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this notification, amend the constitution of the Provident Fund maintained in respect of the establishment in regard to the following matters, namely:—

- (a) the Provident Fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;
- (b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;
- (c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of any establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the Provident Fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the Provident Fund of the establishments the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the Provident Fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the E.P. Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishments Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise shall be counted as 5 naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by establishment interest shall be charged at the rate of 4½ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, falling which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment.

[No. 11/26/62/PP-II.]

P. D. GAIHA, Under Secy.

New Delhi, the 5th December 1962

**S.O. 3780.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the East Bastacolla Colliery and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.**

In the matter of a Reference under Section 10(1)(d) of the Industrial Disputes Act, 1947, (14 of 1947).

REFERENCE No. 3 OF 1962

**PARTIES:**

Employers in relation to the East Bastacolla Colliery.

AND

Their Workman, Shri Gagannath Mahato, Trammer.

**PRESENT**

Shri Raj Kishore Prasad, M.A., B.L.,

*Presiding Officer*

## APPEARANCES :

For the Employers: Shri S. S. Mukherjea, Advocate.

For the workman: Shri Sankar Bose, Member, Executive Committee, Colliery Mazdoor Sangh.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 7th November, 1962

## AWARD

1. The Ministry of Labour & Employment, Government of India, by its Order No. 2/224/61-LRII, dated the 15th January, 1962, referred, under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 47), the following item of dispute for adjudication to this Tribunal:—

"Whether the suspension of Shri Jagannath Mahato, trammer, with effect from 30th September, 1961 by the management of East Bastacolla Colliery was justified? If not, to what relief is he entitled."

2. The workman, represented by the Colliery Mazdoor Sangh, filed his written statement on 1st March 1962, whereas the management filed its written statement on 9th July, 1962. Both the parties along with their written statement have also filed their Annexures.

3. The facts, giving rise to the present dispute, may briefly be stated thus:

(a) On 30-9-1961 a letter—Exhibit E—signed by the Manager, which is alleged to be a charge-sheet, was sent to the workman, Exhibit E reads thus:

"In spite of my notice dated 11-9-61, and despite the facts that the company has increased the rate by one anna per tub, I still find that you are not working satisfactorily. It has been reported that you are still exciting the other Trammers and not working whole heartedly."

"I have, therefore, to suspend you with immediate effect from 30th September, 1961."

(b) In reply to this letter, Exhibit E, the workman, Jagannath Mahato, filed his reply on 30-10-1961. Exhibit E-1, in which he denied the charge made against him and asserted that this suspension was by way of punishment. The material portion of the said reply, Exhibit E-1, is in these terms:

"I am pained and surprised to receive your letter dated 30th September 1961 in which you have levelled the baseless allegation that I have not been working satisfactorily and that I have been exciting other trammers. Without caring to ascertain the facts and without giving me an opportunity to explain the position, you have proceeded to suspend me as a measure of punishment in a most illegal and arbitrary manner. The allegations brought against me are not only incorrect and baseless they are mischievous too. I feel that I am being victimised because I happen to be a member and active worker of Colliery Mazdoor Singh."

(c) The workman, thereafter, was asked on 10-10-1961 by a letter, Exhibit W-1, to appear at the enquiry with his witnesses on 14-10-1961, when enquiry will be held in his case. To this letter dated 10-10-1961, the workman on 13-10-1961 sent a reply, Exhibit E-2, saying that he has been illegally suspended and that in the letter, Exhibit W-1, it has not been mentioned for what charge enquiry will be held.

(d) On 14-10-1961 the enquiry was held, but the workman did not appear at it. At the said enquiry certain witnesses, whose statements are Exhibits E-3 to E-11, were recorded in the absence of the workman.

(e) On 16th October 1961, the management issued a letter to the workman terminating his services with immediate effect. The said letter, which is the enquiry report and is marked Exhibit E-12, is dated 16th October 1961 and is reproduced below *in extenso*;

"I am in receipt of your letter, dated the 13th October 1961, and have noted that from Para (3) you felt that there was no reason for an enquiry to be held regarding your conduct in the mine and for which you were suspended on the 30th September, 1961.

The management gave you a very fair chance to produce your witnesses at the enquiry held by me on the 14th October at 10 A.M. at my office, to establish your innocence in the matter. In your absence the enquiry was held and it was proved conclusively that you were (a) in the habit of sleeping in the mine, (b) that you were in the habit of abusing the miners; and behaving in a disorderly manner in the mine, (c) that instead of attending to your work of tramping you used to make propaganda in the mine with a view to enlist members for your union and (d) that despite an increase in the tramping rate you encouraged your gang of trammers to indulge in a "Go Slow Policy" by which the miners, the trammers and the management suffered. It was also proved that during your absence from the mine the miners were adequately supplied with empty tubs, and your gang of trammers earned better wages. Because of what has been established against you the management has been requested by the miners and your gang of trammers not to employ you, and as such the management is constrained to terminate your services with immediate effect."

(f) The above letter of dismissal, Exhibit E-12, issued on 16th October 1961, is alleged to have been received by the workman on 24th October 1961 and this fact was not seriously challenged on behalf of the management.

4. On the foregoing facts, therefore, the first question for consideration is, whether the suspension of the workman, Jagannath Mahato, from 30th September 1961 to 16th October 1961, or upto 24th October 1961, when the workman received the order of dismissal, was justified?

5. I may mention here that the workman also made a complaint under Section 33A of the Act before the Tribunal complaining against his dismissal with effect from 16th October 1961. The said complaint was transferred for disposal to Shri H. K. Choudhury, Presiding Officer, Bihar State Industrial Tribunal, Patna, and it was stated on behalf of the parties that this case has already been heard on 27th September 1962 and award has been reserved.

6. Shri S. S. Mukherjee, who appeared for the management, submitted that suspension was not by way of punishment as alleged by the workman but was only pending enquiry, and only a means of protection against an impending enquiry, and, therefore, it was justified by Standing Order Nos. 27, 28 and 29. The Standing Orders, filed on behalf of the management have been marked Exhibit E-13. It was further contended that if the suspension is beyond 10 days, as provided by Standing Order No. 27, then in that case the workman is entitled in view of Standing Order No. 28 to full wages for the excess period, and, therefore, it was conceded by Sri Mukherjee that the workman was only entitled to full wages for 6 days or at least for 14 days and this was the only relief to which the workman was entitled. He, therefore, contended that suspension being in accordance with the conditions of services and according to the standing orders was perfectly legal and justified.

7. Sri Sankar Bose, who represented the workman, in reply, however, contended that the alleged charge sheet, Exhibit E, was no charge sheet at all because no explanation was called for from the workman and no specific allegations of misconduct were made therein and what was mentioned therein was too vague to form a basis of any charge. He, further, submitted that even in the letter of the management, dated 10th October 1961 Exhibit W-1 asking the workman to attend the enquiry there was no mention whatsoever as to what were the charges for which enquiry was to be held. He further submitted that the *mala fide* intention of the management is clear from its letter, dated 16th October 1961, Exhibit E-12, which is enquiry report, that enquiry was made into facts which were not at all subject matter of the charge sheet and which were not at all mentioned in the charge sheet, Exhibit E, because there is no mention in the charge sheet, Exhibit E, about the workman's habit of sleeping in the mine, his behaving in a disorderly manner or of not attending to his work but prompting and inciting and making propaganda in the mine with a view to enlist members for his union or of his encouraging his gang of trammers to adopt 'Go Slow Policy'. On this ground, therefore, it was contended that the suspension was unjustified and illegal.

8. In order to decide whether the suspension was justified or not it is not necessary for me to go into the question as to what were the items of dispute into which the enquiry was held on 14th October 1961 and if the enquiry was held into the matters which were not the subject matter of the charge.



9. I have only to see if the suspension was justified. It was conceded by Sri Sankar Bose on behalf of the workman that there could be a legal suspension if there was a specific charge. But he contended, as stated earlier, that there could not be any question of suspension because there was no specific charge at all.

10. The crux of the matter, therefore, is whether the charge sheet, Exhibit E, contained specific charges against the workman. The charge sheet has been quoted above by me in para 3(a). From the Charge sheet—Exhibit E—it will appear that gravamen of the charge against the workman, Jagannath Mahato, were (1) “that you are not working satisfactorily”, (2) “that you are still exciting other trammers”, and, (3) “that you are not working wholeheartedly”. From these charges, therefore, it is clear that the charges against the workman were for not working satisfactorily and wholeheartedly in spite of the increase by the Company of the rate by one anna per tub and for exciting other trammers.

11. The workman himself knew what were the specific charges against him, because, in his reply, Exhibit E, he said that “you have levelled the baseless allegation that I have not been working satisfactorily and that I have been exciting other trammers”.

12. On reading the Charge sheet, Exhibit E, I am, therefore, unable to accept the contention of the workman that the charge sheet was vague and not specific.

13. It being conceded that if the charges are specific, suspension is legal and justified, on my finding that the charges mentioned in Exhibit E were specific, and not at all vague, and that they were understood to be specific by the workman himself in his reply Exhibit E-1, it must be held that the suspension of the workman was justified and quite legal in accordance with the standing orders.

14. On my above finding, the workman is not entitled to any relief. But as the Management has conceded, and I may say rightly, that even if the suspension is held justified, as it was beyond 10 days, the workman would be entitled to full wages for 6 days or 14 days, I direct, on the admission of the management, that the workman will be paid by the management full wages for 14 days from 11th October 1961 to 24th October 1961, when the workman received the order of dismissal, as this suspension beyond 10 days, i.e., beyond 10th October 1961, was illegal as being contrary to Standing Order No. 28. The management shall pay the said sum within one month from the date when the award become effective under Section 17A(1) of the Act.

15. For the reasons given above, I would answer the reference by saying that the suspension of the workman, Jagannath Mahato, trammer, with effect from 30th September 1961 by the management of East Bastacolla colliery was justified, and, therefore, he is not entitled to any relief, but as his suspension beyond 10 days after 10th October 1961 was illegal, he will be paid full wages for 14 days, on the admission and concession of the management, as directed above.

16. This is the award which I, accordingly, make, and, submit to Government under Section 15 of the Act.

Dhanbad,

The 7th November, 1962.

Sd./- RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. 2/224/61-LRII.]

New Delhi, the 7th December 1962

**S.O. 3781.**—In exercise of the powers conferred by section 13A of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), and in partial supersession of the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2738, dated the 4th November, 1960, the Central Government hereby specifies the Labour Court at Quilon, constituted under section 7 of the Industrial Disputes Act, 1947 (14 of 1947), by the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 1034, dated the 3rd April, 1962, as the Labour Court which shall dispose of any proceeding

arising out of any reference made by any employer or workman in the State of Kerala relating to any question as to the application or interpretation of a standing order made by any industrial establishment in respect of which the Central Government is the appropriate Government and certified under the Industrial Employment (Standing Orders) Act, 1946.

[No. F. 21/11/62-LRI]

S.O. 3782.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to M/S Hindustan Manganese Mines Ltd., Tirodi and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY**

REFERENCE No. CGIT-6 of 1962

**PARTIES:—**

Employers in relation to the Hindustan Manganese Mines Ltd., Tirodi.

AND

Their workmen.

**PRESENT.**

Shri Salim M Merchant, Presiding Officer.

STATE: Madhya Pradesh

INDUSTRY: Manganese Mining.

*Bombay, Dated 30th November 1962*

**AWARD**

The Central Government, by the Ministry of Labour and Employment's Order No. 21/29/61-LRII, dated 12th March, 1962, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act 14 of 1947), was pleased to refer the industrial dispute, between the parties above named, to me for adjudication in respect of the subject matters specified in the following schedule to the said order:—

**SCHEDULE.**

"Whether the Management of Hindustan Manganese Mines Limited, Tirodi were justified in not providing work to their workers in their 4 manganese mines at Jamrapani, Chickmara, Gadeghat and Garadi and in the central Mines office at Tirodi without giving them any notice for termination of service or lay-off; if not, to what relief are the workers entitled?"

2. Upon receipt of the order of reference by notice, dated 24/26th March, 1962 of this office, the parties were directed to furnish their written statements. The notice was addressed on behalf of the employers to the Agent, Hindustan Manganese Mines Ltd., P.O. Tirodi, M.P., being the address furnished in the communication received from the Government forwarding the order of reference to the Tribunal and on behalf of the workmen to (1) the General Secretary, Samyukta Khadan Mazdoor Sangh, P.O. Rajnandgaon and (2) the General Secretary, Rashtriya Manganese Khadan Prantik Kamgar Sangh, P.O. Tirodi (M.P.). The envelope containing the notice to the Agent was returned by the post office with the endorsement "left". Thereafter, by letter, dated 11th April, 1962, the Secretary, Samyukta Khadan Mazdoor Sangh, Rajnandgaon, applied for time until 20th April, 1962 to file the written statement on behalf of the workmen. A written statement of claim on behalf of the workman from the General Secretary, Rashtriya Manganese Khadan Prantik Kamgar Sangh, (I.N.T.U.C.) Tirodi, M.P. was received in this office on 12th April, 1962, and another written statement of claim from the General Secretary, Samyukta Khadan Mazdoor Sangh was received on 21st April, 1962. No written statement was received from the employers. Thereafter, a notice, dated 22/23-6-1962, was issued on the parties, fixing the hearing of the dispute at Bombay, on 30th July, 1962. The notice of the hearing was sent by this Tribunal on behalf of the employers to Shri A. D. Gandhi, Managing Director, Hindustan Manganese Mines Limited, whose address was furnished by the Conciliation Officer (Central) Jabalpur. Shri A. D. Gandhi, however, replied by letter dated 5th July, 1962, stating that he had resigned as Director of the Hindustan Manganese Mines Ltd., in last January. Thereafter,

Shri S. K. Sanyal, General Secretary, Samyukta Khadan Mazdoor Sangh, Rajnandgaon, presented an application before this Tribunal, when it had visited Nagpur on 25th July, 1962, that the dispute be fixed for hearing at Tirodi or Nagpur. By this Tribunal's order on that application, the union was required to furnish the present address of the employer company and Shri Sanyal was informed that after service was effected the date and venue of the hearing would be fixed and intimated to him. It appears that Shri N. T. Khadgi, Advocate for the Samyukta Khadan Mazdoor Sangh, forwarded a copy of his union's written statement to Shri A. D. Gandhi, who replied to him on 17th July, 1962, stating that he had already resigned from the Directorship of the company. A copy of this letter was sent by Shri Gandhi to this Tribunal. Thereafter, by this Tribunal's letter, dated 22nd and 24th August, 1962, the unions were requested to furnish the present address of the employer company. To this, Shri S. O. Gupta, General Secretary, Rashtriya Manganese Khadan Prantik Kamgar Sangh, Tirodi, M.P., replied stating that the address of the employers as available in his office was:—

Shri Abhechand Dullabhdas Gandhi, Gandhi Sons, Vadgadi, Bombay-3.

Shri Sanyal, however, by his letter, dated 3rd September, 1962, intimated that the notice should be addressed to Messrs. Hindustan Manganese Mines Ltd., (in liquidation) C/o The Official Liquidator appointed by the High Court of Judicature, Bombay. Thereafter, notice was issued to Hindustan Manganese Mines Ltd., C/o the Official Liquidator, The Official Liquidator attached to the High Court at Bombay (Shri P. D. Dalal), Liquidator of Hindustan Manganese Mines Ltd., (in liquidation), in acknowledging the notice from the Tribunal, informed the Tribunal that by an order made by the High Court at Bombay on 17th August, 1962, the company had been directed to be wound up and he had been appointed liquidator thereof with all powers under the Companies Act I of 1956. He further stated that the Directors of the company had been called upon to submit to him the statement of affairs of the said company, as required by section 454 of the aforesaid Act and that the said statement had not yet been submitted by them. He was, however, informed by the Directors that all the assets of the company had been attached by the Collector of Balghat for non-payment of royalties and other dues and that some of them had already been sold by him. He further stated that he had not been able to take possession of any assets thereof and that he was in correspondence with the Collector of Balghat. He also referred in his said letter to section 446 of the Companies Act, which, *inter alia*, provided that when a winding up order had been passed or Official Liquidator had been appointed as Provisional Liquidator, no suit or other legal proceedings should be commenced or if pending at the date of the winding up order should be proceeded with against the company except by leave of the Court and subject to such terms as the Court might impose. He further stated that in the circumstances the workers might, if they so desired submit to him their claims, if any, against the company for investigation in due course. The Official Liquidator had forwarded a copy of the aforesaid letter to the two unions on record in this dispute. Upon receipt of this letter from the Official Liquidator this Tribunal by notice, dated 11th October, 1962, called upon the two unions to state whether in view of what was stated in the Official Liquidator's said letter to this Tribunal, it wanted to press the reference. To this, the General Secretary of Rashtriya Manganese Khadan Prantik Kamgar Sangh, replied stating that the reference should be decided finally and an award given in the interest of the workmen, which would give some relief to the Workers in future at proper stage. Thereafter, the dispute was fixed for hearing at Bombay at 11 a.m. on 26th November, 1962, and notices of the same were forwarded by registered post acknowledgment due to both the unions. A telegram for an adjournment of the hearing fixed for 26th November, 1962, was received from the Secretary, Samyukta Khadan Mazdoor Sangh, on 24th November, 1962, and by a telegraphic reply, both the unions were informed that the request for adjournment was refused.

3. At the hearing on 26th November, 1962, no one appeared on behalf of the workmen. On the afternoon of the 26th instant a telegram, which is a reply to this Tribunal's telegram, dated 24th November, 1962, refusing the adjournment, was received stating that it was physically impossible for the Secretary of the Samyukta Khadan Mazdoor Sangh to reach Bombay on the due date. Later, a written application, dated 21st November, 1962, was received from the Secretary, Samyukta Khadan Mazdoor Sangh, praying that an adjournment be granted for at least a month and for the hearing to be fixed at Nagpur.

4. From the facts and circumstances stated above, it is clear that the employer company has gone into liquidation and that the Hon'ble High Court of Bombay has appointed an Official Liquidator, as will be seen from his letter of the 26th

September, 1962, to this Tribunal. As will be further noticed, the unions have not taken any steps to bring the proper party on behalf of the employers on record, since the company has gone into liquidation. The claims of the workmen, as made out in their written statements filed in this Court, are for retrenchment compensation and the same may well be prosecuted before the Official Liquidator. In any case, in spite of several opportunities the unions have not taken any action to bring on record the proper party on behalf of the employers and prosecute this reference.

5. In the circumstances, this reference is disposed of for non-prosecution.

No order as to costs.

(Sd.) SALIM M. MERCHANT, Presiding Officer.

[No. 21/29/61-LRII.]

**S.O. 3783.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Bhilai Steel Project of Hindustan Steel Limited and their workmen employed in Nandini Lime Stone Mines.

# **BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY**

**REFERENCE No. CGIT 22 OF 1962**

**PARTIES.**—Employers in relation to the management of the Bhilai Steel Project of Hindustan Steel Limited.

**AND**

Their workmen employed in Nandini Limestone Mines.

**PRESENT.**

Shri Salim M. Merchant, Presiding Officer,

## **APPEARANCES:—**

*For the employers.*—Shri C. J. Mathew Tharakan, Law Officer, Hindustan Steel Limited,

*For the Workmen.*—Shri K. B. Chougule, Assistant Secretary, Indian National Mine Workers' Federation with Shri P. K. Sen Gupta, Organising Secretary, Steel Workers' Union, Bhilai.

**INDUSTRY:** Lime Stone Quarrying.

**STATE:** Madhya Pradesh.

*Dated, Bombay, the 29th November 1962*

## **AWARD**

1. The Central Government by the Ministry of Labour and Employment's Order No. 22/1/62-LRII, dated 26th July, 1962, made in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act 14 of 1947), was pleased to refer the industrial dispute between the parties above-named, in respect of the subject-matter specified in the following Schedule to the said Order, to me for adjudication.

## **SCHEDULE.**

Whether the workers employed in Nandini Lime Stone Mines of Bhilai Steel Project of Hindustan Steel Limited residing at Nandini are entitled to transport facilities for going to their work places and back to their houses?

2. After the parties had filed their written statements, the dispute was taken up for hearing at Bombay on 26th November, 1962, when parties made their submissions.

3. In its written statement the Company had contended that this order of Reference is illegal and *ultra vires* as the demand under reference was not a subject-matter referred to in Schedule 3 of the Industrial Disputes Act, 1947 (Act 14 of 1947). But at the hearing, Shri C. J. Mathew Tharakan, Law Officer, for the employers, did not press this objection, and conceded that the subject-matter

under reference was an industrial dispute as defined by Section 2(k) read with Section 7(A) and Item 6 of the Second Schedule to the Industrial Disputes Act. I, therefore, hold that this reference is valid and proper and this Tribunal has jurisdiction to entertain the same.

4. The demand of the Union is that the workers employed in the Nandini Lime-Stone Mines and residing at Nandini, are entitled to transport facilities for going to their work places and back to their houses. It was ascertained at the hearing that there are about 800 workmen employed at the Nandini Lime-Stone quarries, who are working there in three shifts, and the general shift which is worked from 10 a.m. to 5 p.m. It is conceded that for the employees at the Nandini Lime-Stone Mines who come from Bhilai, the Company has provided facilities of transport by buses owned by it. It is also admitted that the employers have provided transport facilities by buses to its employees at the steel plant. It appears that on the operation side the employers employ about 18,000 workers at the steel plant, which also works in three shifts, with an additional general shift. The Company charges its employees, who avail themselves of this bus transport facility, Rs. 6.25 nP. per month, and I was told that there are about 4,000 workers of the Steel Plant who avail themselves of this facility. The Union has stated that for the transport of its Steel Project workers, the Company has engaged about 40 buses, out of which 25 are used daily, and about 15 are lying idle. But this has been denied by the management. According to the Union, there are other diesel trucks lying idle at Bhilai Steel Project, which could be used for transporting the workers residing at the Nandini Township to the Nandini Quarry site. It is admitted on behalf of the Management that the Office at the Nandini Quarries (Chief Mining Engineer's Office) is situated at a distance of about a mile and a half from the Nandini Township and that the mechanised mines are a further mile away from the mine's office, and the quarries where manual work is being done are another mile and a half away.

5. It is argued on behalf of the workmen that the road to the Quarries from Nandini Township is up hill and down dale, and that the road particularly to the Quarries from the Mine's Office is uneven and difficult to negotiate on bicycles. The Union has further stated that there are no lighting arrangements from the Township to the work site and that the workers placed in the second shift while returning at night to their houses and the workers going for work in the third shift are put to inconvenience and hardships, particularly during the monsoon and winter months. The Union has, therefore, urged that this demand is eminently justified, particularly as the principle of providing transport facilities to the workers has already been conceded by the employers, inasmuch as they provide transport facilities to its steel plant workers and also to those workers who reside at Bhilai, and work at the Nandini quarries. It is argued that there would be no justification for any difference in treatment by the Management of its steel plant workers and its quarry workers in the matter of the grant of this facility.

6. The employers, in their written statements, dated 20th August, 1962 and 18th September, 1962, have argued that as it is not one of the conditions of employment of these workmen that they should be provided with transport, there was no obligation on the employers to provide this facility; that the maximum distance to be covered from the houses of the workers at the Nandini Township to their work places, is hardly a mile, and that every work site, within the quarries' lease-hold area, is within walking distance. It is further urged that, "the Management of Hindustan Steel Ltd. (Bhilai Steel Project) may do in their own interest, when the place of work is in a out-of-the-way place, cannot be an obligation on them (Bhilai Steel Project)." In its rejoinder, dated 18th September, 1962, the Management had stated that it has provided transport facilities to only such employees of the steel plant who have to attend from distant areas and identical facilities have been provided for mines employees who come from Bhilai. It is urged that there is an acute shortage of buses and trucks and that the expansion phase of the steel plant is facing great hardship for want of adequate number of vehicles. It is, therefore, stated that the Union has exaggerated the facts regarding the number of vehicles available in order to emphasise the justification for this demand.

7. With regard to the conditions of the road to the quarries, the Company has stated that the roads and approach roads are very smooth being asphalted, well-maintained and well lighted by the steel plant and the distance from the Township and the work site hardly covers a mile; that the workers in the mines have been given living accommodation, mining allowance and other allowances which are quite reasonable taking in view the nature of their duties. It has denied that the workers of the Steel Plant have received any preferential treatment.

8. After hearing the submissions of the parties, I am satisfied that this demand is justified. It appears to me that the responsibility of supplying transport facilities to its workers has been accepted by the Management. I think the Union is justified in arguing that there is no justification for the Company making an invidious distinction with regard to this facility between its steel plant employees and those employees at the quarries. It is to be remembered that the quarries provide one of the essential raw materials, viz. lime stone to the steel plant. From the admissions made at the hearing, it does appear that the distance from the Nandini Township to the quarries is longer than what is stated by the employers in their written statements and that the conditions of the roads and the approach roads to the quarries are difficult for the workers to travel on by bi-cycle. It is also to be remembered that both at the Bhilai and Nandini townships there are no public transport facilities and that the only other mode of transport for the workmen would be the use of bicycles. I am satisfied, from the submissions made at the hearing, that the conditions of the roads and the distance to be covered from Nandini to reach the work-site would justify the demand for transport facility to be provided by the Company. The Management has expressed the difficulty of acquiring new buses or trucks, in the present state of emergency. The Union's case, however, was that the Company had realised the justification of this demand and had itself purchased five new buses, the delivery of which was made to the Management less than a month ago and the buses are since then lying in the garage of the Company in the Nandini town-ship. For the Management it was stated that these buses were purchased for use when the expansion stage at the Raj Hara quarries is reached. To this the reply of the Union was that it had not made any demand for transport facility to reach Raj Hara Iron Ore Mines, the present distance of which from Raj Hara Colony is only about half a mile.

9. The Union has further contended that with a little better planning in respect of housing of Bhilai Steel Plant workers at Bhilai, and Nandini mine workers at Nandini, the two buses which are used by the Company to transport the workers of the quarries residing in Bhilai town-ship to the quarry sites and for bringing the workers residing at Nandini Colony and the surrounding villages, to Bhilai, could have been avoided and those buses could be used for providing transport facilities to the workers from Nandini town-ship to the Nandini quarries. I am inclined to the view that there is some substance in this argument of Shri Chougule, who has impressed me with the able and fair manner in which he has presented the workers' case. Shri Chougule has stated that whilst the Company had already purchased 5 new buses for the transport of the Nandini town-ship workers, working at the Nandini Quarries, in view of the present emergency, he was prepared to accept a start being made with a lesser number of buses and he has suggested that a start might be made with at least 3 buses with a capacity of sitting accommodation for 45 persons and standing accommodation for about another 12 persons. I, however, think that an immediate start can be made by the Company with two buses for taking the workers from the Nandini town-ship to the Nandini Quarries and back to their houses.

10. In the result, I hold that the workers employed in the Nandini Lime Stone Mines of Bhilai Steel Project of Hindustan Steel Limited residing at Nandini, are entitled on payment of charges to transport facilities for going to their work places and coming back to their houses, and I suggest that the Company might make a start in providing this facility by engaging two buses for the purpose, and I would further suggest that this facility be provided from the 1st of January, 1963 and I direct accordingly. Of course, the workers will have to pay such reasonable transport charges as the Company may fix.

11. Shri Chougule for the Union has applied for an order for costs. He has argued that he and another representative of the Union, Shri Sen Gupta, had to travel all the way to Bombay, because the Management had not accepted the Union's suggestion for this, and the other two industrial disputes, which have been referred to this Tribunal, being heard at Bhilai. He has given me the particulars of the expenses incurred by him and Shri Sen Gupta by way of train fare for coming to Bombay for the hearing of this dispute. I am satisfied that as the Union has substantially won its demand, an order for costs in its favour is justified. Considering all the circumstances, I think that a direction for costs in favour of the Union in the sum of Rs. 300/- would be fair and reasonable, and I direct accordingly. The costs to be paid to the Union, within a month from the date of this Award.

(Sd.) SALIM M. MERCHANT, Presiding Officer.

[No. 22/1/62-LRII.]

**S.O. 3784.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Bombay Port Trust, Bombay and their workmen.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
BOMBAY**

REFERENCE No. CGIT-21 of 1962

**PARTIES:**

Employers in relation to the Bombay Port Trust, Bombay.

AND

Its workmen represented by the Bombay Port Trust General Workers' Union.

**PRESENT:**

Shri Salim M. Merchant, Presiding Officer.

**APPEARANCES:—**

*For the Employers.*—Shri S. D. Nariman, Legal Adviser, Bombay Port Trust.

*For the workmen.*—Shri S. Maitra, General Secretary, Bombay Port Trust General Workers' Union.

**INDUSTRY:** Ports and Docks.

**STATE:** Maharashtra.

Bombay, the 30th November, 1962.

**AWARD**

On a joint application of the parties, the Central Government, in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), by the Ministry of Labour & Employment's Order No. 28/57/62-LRIV, dated 25th July 1962, was pleased to refer the industrial dispute, between the parties abovenamed, in respect of the following subject matters specified in the said joint application of the parties dated 27th June, 1962, to me for adjudication.

**SPECIFIC MATTERS IN DISPUTE**

“How the period of strike of the Flotilla crews of the Port and the Engineering Departments of the Bombay Port Trust from 24th February to 2nd March, 1962 should be treated for the purposes of payment e.g. by way of monetary relief if any, or by treating the period as leave with or without pay.”

2. The strike under reference was resorted to by the flotilla crews of the Port & Engineering Departments, on the ground that the Chairman of the Bombay Port Trust had failed to give his final decision on the demand of this union for adopting a system of co-efficient for work in the night shifts, not later than 24th February, 1962, as stated in the letter to the union dated 29th January, 1962 (Annexure F to the Bombay Port Trust's written statement). That the flotilla crews had resorted to the strike is admitted and the only question to answer, for determining the issue under reference, is whether this strike of the flotilla crew was justified or not. It is, therefore, necessary to give a brief account of the events leading up to the assurance given on behalf of the Chairman by the said letter of 29th January, 1962.

3. In 1956, the Government of India appointed one Shri P. C. Choudhuri, I.C.S., as Officer on Special Duty, to enquire into and report on a variety of demands put forward by the labour unions of the various major ports. In his report Shri Choudhuri, *inter alia*, made certain recommendations with regard to night shift working and the rates of wages to be paid for it. The four main recommendations relating thereto have been reproduced by the Bombay Port Trust in paragraph 1 of its written statement. Thereafter, the Government of India, Ministry of Transport, by its Resolution dated 20th July 1958, made certain observations on Shri Choudhuri's Report, which have been reproduced at para 2 of the Bombay Port Trust's written statement. The relevant part of the Ministry's Resolution on the question of the system of co-efficient to be applicable for work in the night shifts, is as follows:—

“The Government of India would like to draw the attention of the Port Authorities and the labour unions to the practice in certain branches of the Posts and Telegraphs whereby an hour's work during certain hours of the night is equated to more than an hour's work during the day according to prescribed co-efficients. If a similar system

could be adopted in the Ports, many problems relating to shift hours, rates of overtime, etc. pertaining to night work would solve themselves easily."

4. This suggestion of the Government was considered by the Trustees of the Port of Bombay at a meeting held on 25th August, 1959, when, by Resolution No. 754 of 1959 (exhibit A to the B.P.T.'s written statement), it was decided that the practice obtaining in the Posts and Telegraphs Department was not suitable for application to the Port Trust since that practice has been devised to suit the peculiar working conditions of that Department. The matter appears to have rested there, till the Report of the Second Pay Commission was published at the end of 1959. In paragraph 15 of Chapter XXXV, the Commission recommended as follows:—

"We recommend that when night duty is such as to require continuous application, it should be allowed weightage of 10 minutes for every hour worked; for instance, six hours night duty should be treated as equal to seven hours day duty. Weightage should not, however, be given to employees whose weekly working hours have been fixed taking into consideration the fact that they would not be eligible for this concession, and for whom weightage for night duty is thus in effect provided in the shape of reduced weekly working hours."

5. It appears that other unions in the Bombay Port had raised a demand for reduced hours in the night shift with effect from 15th June, 1961. But this union did not then put forward the demand on behalf of the flotilla workers or any of its members as evidenced by its letter of demand dated 1st June 1961 (Annexure B to the B.P.T.'s written statement). I may state here that Shri Maltra has argued, rather vehemently, that paragraph 5 of that letter contained a demand for weightage for night shift working, but I find that paragraph only refers to a demand for settling all outstanding disputes and does not specifically refer to the question of night shift working. It cannot, therefore, be said with justification that by that paragraph, the union had made a claim for reduced hours of night working. A settlement was, however, reached at the intervention of the Minister of Shipping in terms set out in the Ministry of Transport's press note dated 11th June 1961, where it was explained that this question was considered by the Port Authorities in the light of the Government Resolution, but that they had found that it was not feasible to adopt the Posts and Telegraphs practice in the case of port employees. An assurance was, however, given that the matter would be again looked into sympathetically. It appears that on the basis of this assurance the question of the categories, who would qualify for the concession of weightage for night work, in terms of the recommendations of the Pay Commission, as accepted by Government, was considered by the Chairman, Port Trust, in consultation with heads of other major ports, at more than one meeting.

6. After the press note of the Ministry of Transport was issued, the union by its letter dated 5th August, 1961, claimed that the working hours of port employees during night shift should be six only, to which the Bombay Port Trust replied by its letter dated 11th August, 1961, stating that the system of adopting a co-efficient for the night work will be re-examined on receipt of information from the Government on the action taken by them on the relative recommendations made by the Second Pay Commission.

7. Thereafter, the union, by its letter dated 2nd November, 1961, enquired of the Administration what decision had been reached by the Inter Port Committee's meeting held at Calcutta on this point and from what date the same was going to be introduced. It further stated that it was insisting on the system of co-efficient for night work even if the Inter Port Committee had not agreed to it and that delay or a decision against the introduction of co-efficient in the night shift, would lead to stoppage of work. In implementation of this threat, the union by its letter of 13th November, 1961, informed the Administration that the employees working on the flotillas of the Engineering and the Port Departments would stop all work between 1 p.m. and 4 p.m. on Tuesday the 14th November, 1961, on their demand for grant of night weightage and, in fact, it did put its threat into effect and the crew of the flotilla stopped work for three hours on 14th November, 1961, in spite of the Port Trust having informed the union that in the case of dredgers the night shifts are deemed to consist of six hours' duration and the balance is paid for as overtime, which, in fact, was more than the weightage demanded by the union. With regard to the Port Department flotilla it was pointed out that the work of the employees in question



could not be deemed to involve continuous application throughout the shift for the purpose of qualifying for night weightage during that shift. In the correspondence that passed ensued, the Bombay Port Trust by its letter dated 24th November, 1961, stated that it had nothing to add to what it had stated in its letter of 13th November, 1961, with regard to the demands of the flotilla crew. With regard to the other categories, the question whether the nature of their work justified any extra remuneration for night work, was under examination, that the final decision on this matter was bound to take some time and that it would be unrealistic to expect a very early decision thereon.

8. The Union on 24th November, 1961, unanimously resolved that unless the matter was resolved by 12th December, 1961, the employees would be forced to withdraw their labour and continue on an indefinite strike. Thereupon, conciliation proceedings followed at which the parties agreed to hold fresh negotiations for settlement, and agreed to maintain the *status quo* and the notice of strike was withdrawn by the union. It was agreed that if no settlement was reached the union would be at liberty to approach the Regional Labour Commissioner for intervention for a settlement. In implementation of this agreement the Chairman met the representatives of the union on 18th January, 1962 and on 19th January, 1962, the union addressed a letter to the Administration in which it stated that if no decision would be taken by 30th January, 1962, an indefinite strike would follow and would last till the dispute was settled. The Chairman, through the Deputy Secretary of the Administration, by letter dated 29th January, 1962, recalled that as stated by the Chairman at a meeting held on 18th January, 1962, the entire question of adopting a system of co-efficient for night shift work would be discussed at the next session of Inter Port Committee which was scheduled to meet on 20th and 21st February, 1962. The letter went on to state that the Chairman's final decision would be communicated to the General Secretary of the Union not later than 24th February, 1962, and in conclusion the Administration appealed to the union not to precipitate matters. The union replied by its letter dated 31st January, 1962, in which it argued that the Chairman was the competent authority to take a decision in an industrial dispute and that the Inter Port Committee had no *locus standi*, legal or otherwise, in the matter. It further stated that it would recommend to its members not to take any direct action till a decision was arrived at by the Chairman. But, in the meantime, it pressed for the immediate implementation of the award of this Tribunal in another dispute and certain other pending disputes. The B.P.T. did not reply to this letter. However, on 23rd February, 1962, the Administration addressed a letter to this union in which it stated:—

"In the light of the discussions held at a meeting of the heads of major ports on 20th February, 1962, the Chairman has decided to recommend to the Board to implement the recommendations made by the Second Pay Commission in paragraph 15 of Chapter XXXV of its report as accepted by the Government of India, for the grant of weightage to night duty requiring continuous application."

The letter went on to state that the Chairman would make his final recommendations to the Board after the categories who would be entitled to this concession are determined; that a Committee set up for the purpose was expected to submit its report by 21st March, 1962, which would be considered at the next Inter Port Committee meeting, and that thereafter the Chairman would make the final recommendation to the Board.

9. The Union by its letter dated 24th February 1962, stated *inter alia* in reply that the Chairman had given a categorical assurance that the final reply of the Chairman would be given to the union not later than 24th February 1962, and that instead of giving the final reply, the Chairman by his letter dated 23rd February 1962, had indicated that no final reply could be expected before May 1962; that the union could not surrender to the authority of the Inter Port Committee or any other Committee that may be appointed by the said Inter Port Committee and reiterated its demand that the assurance of the Chairman given to the union should be finalised and honoured not later than 24th February 1962.

10. The union further demanded that it should be informed in clear terms by 24th February 1962, whether the Port Trust was prepared to grant night shift co-efficient to the categories mentioned in its letter of 28th December 1961, and that if no final reply was received by that time, as a first step, the employees working in the Deputy Conservator's flotillas and Butcher Island would withdraw their labour exactly at 24 hours and the union asked the Administration to make necessary arrangements for the safety of the harbour flotilla, launches,

etc. The union further stated that on the steam vessels the employees would maintain the steam and look after their safety. The union also threatened to call out other workers if the Administration adopted repressive measures or if this issue was not resolved expeditiously. (See exhibit F collectively to the Port Trust's written statement). In pursuance of this threat the flotilla crews of the Port and Engineering Departments of the Bombay Port Trust struck work on the night of 24th December 1962. The Administration in its written statement has complained in better terms of the manner in which the stoppage of work was resorted to. It has stated that the crew on the dock tugs suddenly stopped work when the vessel "Vishwa Usha" was in the dock lock at Alexandra Docks, thus resulting in blocking the Alexandra Dock. They also refused to handle, "Mohammedi", a passenger ship, which was carrying 1600 passengers. The crew of the dock tug for "Mohammedi" also stopped work leaving it at the East Mole and it was shifted to the Ballard Pier from East Mole with very great difficulty, without the assistance of dock tugs, and after an assurance was taken from the agents of the company owning that ship that no claim for damages would be made against the B.P.T. The strike was continued till 2nd March 1962, when it was withdrawn on an assurance being given that a conference, as suggested by the General Secretary of the All India Port and Dock Workers' Federation, of the representatives of the Ministries of Transport and Communications and the Ministry of Labour & Employment, the heads of Major Ports and the unions affiliated to the Federation, would be held to consider and take a decision regarding the application of night co-efficient allowance, to all sections of dock and port workers in all its aspects.

11. At this stage I may record that the Trustees by their Resolution No. 297 dated 10th April 1962, decided to treat the period of the strike as leave without pay.

12. I may here as well complete the narration of the subsequent events. At the tripartite meetings held in New Delhi under the Chairmanship of the Minister of Shipping in March and June 1962, a broad understanding was reached between the Government and the Federation and thereafter the Government's decision with regard to Government managed ports at Cochin, Vishakhapatnam and Kandla relating to night shift co-efficient was intimated by the letter of the Ministry of Transport & Communications (Transport Wing) dated 10th July 1962. This question came up before the Trustees meeting of the Bombay Port held on 17th July 1962, when by Resolution No. 661/62, it was decided to postpone consideration of the matter, as some of the representatives of labour on the Board were not in full agreement with the recommendations contained in the note of the General Manager of the B.P.T. Thereafter, by Resolution No. 886 of 25th September, 1962, it was finally decided to apply the orders contained in the Ministry's letter of 10th July 1962, with effect from 1st July 1962 (See annexure L to the B.P.T.'s written statement).

13. The union's main contention at the hearing was that the strike was justified, as the Chairman had failed to implement the assurance given by him in his letter of 29th January 1962, that he would give his final decision on the system of co-efficient for night shift working not later than 24th February 1962. Shri Maitra has argued that the Chairman in his letter dated 23rd February 1962, had stated that the matter would be discussed at a meeting of the Inter Port Committee and thereafter the Chairman would make his final recommendations to the Board and that this was contrary to what the Chairman had stated in his letter of 29th January 1962. He has urged that I should not look into the correspondence that had preceded or succeeded these two letters. He has argued that the assurance that the final decision would be given by the Chairman not later than 24th February 1962, had been given on the demand contained in the union's letter dated 19th January 1962, that the final decision should be given by 30th January 1962, and that the Chairman's letters of 29th January 1962 and 23rd February 1962, should be read in the context of the union's said demand. He has argued that the letter of the Chairman dated 23rd February 1962, did not contain a final decision by him inasmuch as he had by that letter only intimated what he was going to recommend to the Board of Trustees. Shri Maitra has further argued that the acceptance of a broad principle by the Chairman was not a final decision in the matter, as it was not known whether the Trustees would accept the Chairman's recommendation or not. He has further argued that the note of the Secretary of the Bombay Port Trust dated 26th March 1962, did not say that the Chairman's recommendations to apply the Pay Commission's Report had been accepted by the Trustees and he has submitted that the General Manager's note dated 16th July 1962, showed that the Chairman's recommendations for weightage for night shift workers as contained in the Administration's

letter to the union dated 23rd February 1962, has never been placed before the Trustees.

14. Shri Nariman for the Bombay Port Trust, has, on the other hand, argued that the union had seized on a pretext to go on strike; that the Choudhuri recommendations had given a start to the demand of the union and he has pointed out that the Port Trust by its Resolution No. 754 of 1959 (Annexure A) had decided long ago that the recommendations of Shri Choudhuri could not apply to night work in the Ports, as it was completely different from the system of night work in the Posts and Telegraphs Department and that after this decision was made, the union did not raise any dispute till the Second Pay Commission's Report was made; that the union raised this dispute for the first time in August 1961 and was informed by the B.P.T. that a decision would be taken only after the Government's decision was known; that Government accepted the Second Pay Commission's recommendations only with regard to those whose work was continuous and not intermittent and Government's decision was finalised in July 1962 as communicated to them by the Ministry of Transport and Communication's (Department of Transport) letter dated 10-7-1962 (exhibit K to the Port Trust's written statement). Shri Nariman has argued that the union had made the demand only for the flotilla crew and not for the other night shift workers, for whom the union was prepared to wait. Shri Nariman has also argued that the idea of the union from the beginning was to coerce the B.P.T. into conceding this demand by resorting to a strike and it has in this connection referred to the union's letter of 13-11-1961 and he has further argued that the stoppage of work for 3 hours on 14-11-1961 was an illegal under the Industrial Disputes Act, as there was admittedly an industrial dispute pending on that date before this Tribunal. He has argued that the taint of illegality would apply to the strike under reference also as it was in respect of the same demand on which a stoppage on 14-11-1961 had taken place. Shri Nariman has argued that the Administration had throughout adopted a conciliatory attitude. Shri Nariman has argued that the assurance of the Chairman giving a final decision by 24-2-1962, was given as the union was threatening to go on strike and as the Inter Port Committee meeting was to be held on 20-2-1962. Shri Nariman has argued that the decision communicated by the Chairman's letter of 23-2-1962 by which the Chairman intimated that he was recommending to the Board the acceptance of the said Pay Commission's recommendations was a final decision, as what remained thereafter was merely a working out of the details of the application of this decision. Shri Nariman has argued that the fact of the matter was that the union well knew that the implementation of the recommendations of the Second Pay Commission was going to result in the flotilla crew not getting anything, as their duties were intermittent and not continuous. Shri Nariman has, therefore, contended that there had been no breach on the part of the Administration of the assurance given to the union in the Administration's letter dated 29th January, 1962. In the alternative, Shri Nariman has argued that even if there was technical breach of the assurance of the Chairman, the union was not justified in resorting to a strike immediately from the night of 24th February, 1962. He has argued that the weapon of strike is not to be used lightly and he has in support relied upon the decision of the Hon'ble Supreme Court in the case of Management of Chandramahal Estate vs. its workmen and another (1960 II LLJ p. 243) where it was held that where a strike was not justified the workmen were not entitled to any wages for the period of the strike. He has further submitted that the Port Trust had acted more than generously in allowing the period of the strike to be treated as leave without pay.

15. I have carefully considered the submissions made by the parties and the correspondence on record and I have come to the conclusion that the strike resorted to by the union was a totally unjustified one. In my opinion there is no substance in the union's contention that the strike was justified because the Chairman had failed to give a final decision on the question of the application of the co-efficient for night shift work by 24th February, 1962. On a careful perusal of the correspondence that preceded the letter of 29th January 1962 and the events that occurred between that date and 23rd February, 1962, I am satisfied that the Chairman's letter of 23rd February, 1962 should be treated as a final decision on this question. It was made clear to the union that the decision to be communicated by the Chairman was to be given after the meeting of the heads of major ports, which was to be held on the 20th and 21st February, 1962. The Chairman's letter of 23rd February, 1962, has clearly stated that in the light of the discussions held at the meeting of the heads of major ports, the Chairman had decided to recommend to the Board to implement the recommendations made by the Second Pay Commission as accepted by the Government of

India for the grant of weightage to night duty requiring continuous application. That in my opinion was the Chairman's decision as communicated to the union. In the circumstances of the case that decision must be treated as a final decision in terms of the assurance contained in the Administration's letter of 29th January, 1962. The Union well knew that the decision to be made by the Chairman was to be made after the meeting of the heads of the major ports on the 20th and 21st February 1962 and the most that could be done between that date and the 24th was a communication by the Chairman of the decision which he had arrived at. The decision may not have been a final decision in the technical sense of the word inasmuch as that decision did not have the imprint or the approval of the Trustees of the Port, but to expect the final decision in the sense of a Trustees' Resolution to the recommendations of the Chairman by 24th February 1962, was to be unrealistic to the circumstances under which the assurance was given. In my opinion, in the light of the circumstances in which the assurance was given the decision conveyed by the Chairman in his letter of 23rd February 1962, (annexure F to the B.P.T.'s written statement) must be treated as a final decision in the matter. Even otherwise, what I have to consider in deciding the issue is whether the strike was a justified strike. I am of the opinion that Shri Nariman was quite right when he stated that the union had seized on at most a technical breach of the assurance of the Chairman to resort to a strike because its real intention was to coerce the Administration into conceding its demand for a system of co-efficient for night shift working by resorting to a strike. The deplorable manner in which the strike was commenced at 8 p.m. endangering shipping in the docks, is in my opinion a pointer to the union's desire to coerce the Administration. The Hon'ble Supreme Court in the case of *Chandramalai Estate* (1960 II LLJ p. 243), has observed that, "while on the one hand it has to be remembered that strike is a legitimate and sometimes unavoidable weapon in the hands of labour, it is equally important to remember that indiscriminate and hasty use of this weapon should not be encouraged. It will not be right for labour to think that for any kind of demand a strike can be commenced with impunity without exhausting reasonable avenues for peaceful achievement of their objects. There may be cases where the demand is of such an urgent and serious nature that it would not be reasonable to expect labour to withdraw after asking the Government to make a reference. In such cases, strike even before such a request has been made may well be justified". In my opinion, this was not a case where the demand was of such an urgent and serious nature that it would not be reasonable to expect labour to wait and ask the Government to make a reference. In the result, I am more than satisfied, that the strike under reference was not at all justified, and I would accordingly hold that the workmen are not entitled to any monetary relief for the period of the strike from 24-2-62 to 2-3-1962 and that the relief already granted by the Bombay Port Trust by the Trustee's Resolution No. 297 of 10th April 1962 (annexure J to the B.P.T.'s written statement) of treating the period of strike as leave without pay was more than adequate. I, therefore, award accordingly.

No order as to costs.

SALIM M. MERCHANT,  
Presiding Officer.

[No. 28/57/62/LR.IV.]

## ORDERS

*New Delhi, the 5th December 1962*

**S.O. 3785.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the managements of 20 Limestone mines of Malhar specified in Schedule I annexed hereto and their workmen in respect of the matters specified in Schedule II annexed hereto;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

## SCHEDULE I

- (1) M/s. Diwan Lime Company, Maihar.
- (2) M/s. Maihar Stone Lime Co., Maihar.
- (3) M/s. Chopra Brothers, Maihar.
- (4) M/s. Ghai Stone Lime Company, Maihar.
- (5) M/s. United Trading Company, Maihar.
- (6) M/s. Chaurasia Stone Lime Company, Maihar.
- (7) M/s. Krishna Lime Company, Maihar.
- (8) M/s. Bhagwati Stone Lime Company, Maihar.
- (9) M/s. S. K. Kahanson & Company, Maihar.
- (10) M/s. National Stone Lime Company, Maihar.
- (11) M/s. Rai Lime Company, Maihar.
- (12) M/s. S. N. Sunderson & Company, Maihar.
- (13) M/s. Bhadanpur Stone Lime Co. Maihar.
- (14) M/s. Sehgal Brothers, Maihar.
- (15) M/s. Tiwari Stone Lime Company, Maihar.
- (16) M/s. Baghelkhand Products (P) Ltd., Maihar.
- (17) M/s. J. P. Mishra, Maihar.
- (18) M/s. Central India Stone Lime Co., Maihar.
- (19) M/s. Gaya Prasad Gautam & Co., Maihar.
- (20) M/s. Chauriha Stone Lime Co., Maihar.

## SCHEDULE II

- (1) Whether the present wage rates of the different categories of workmen both time-rated and piece-rated, employed in the Limestone mines of Maihar area of the employers mentioned in Schedule I are satisfactory; if not, to what revision of wage rates they are entitled?
- (2) Whether all or any of the workmen employed in the Limestone mines of employers mentioned in Schedule I are entitled to the supply of uniform and footwear; if so, at what scale and under what conditions?
- (3) Whether the workers employed in the mines of the employers mentioned in Schedule I are entitled to any sick leave; if so, at what rate?
- (4) Whether the workers employed in the mines of the employers mentioned in Schedule I are entitled to the payment of any bonus for the years 1959, 1960 and 1961; if so, at what rate?

[No. 22/22/62-LRII.]

*New Delhi, the 6th December 1962*

**S.O. 3786.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Chrestien Mica Industries Limited, Domchanch and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

## SCHEDULE

Whether Sarvashri Toto Chasa and Budhan Barhi had been rightly dismissed from service with effect from the 24th July, 1962 and if not to what relief are they entitled

[No. 20/14/62-LRII.]

**S.O. 3787.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Palana Colliery, Palana, Rajasthan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Palana Colliery, Palana, was justified in terminating the services of Shri Peerdan, Register Clerk from the 1st July, 1960? If not, to what relief is he entitled?

[No. 5/22/62-LRII.]

#### CORRIGENDA

*New Delhi, the 4th December 1962*

**S.O. 3788.**—In the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 3628, dated the 21st November, 1962, published on page 3945 in the Gazette of India, Part II, Section 3(ii), dated the 1st December, 1962, for the words "for adjudication under section 7A" read "for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A".

[No. 6/12/62-LRII.]

*New Delhi, the 6th December 1962*

**S.O. 3789.**—In pursuance of sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following corrections which have been made by the National Industrial Tribunal (Bank Disputes) at Bombay, in its award dated the 8th September, 1962 and published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 29th September, 1962, namely:—

Sl. No.	Gazette Page No.	Paragraph No.	Line No.	Correction
1	2070	2.5	18	Substitute 'Gauhati' for 'Gaughati'.
2	2078	3.6	8 from the bottom of the page.	Add (") before the word 'Class III'.
3	2079	3.7	8	Substitute 'class' for 'calss'.
4	2080	3.7	7 from the bottom of the page.	Delete 's' from the words 'Rs. 10/- per months'.
5	2081	3.8	28 from the top of the page.	Substitute '15th' for '25th'.
6	2082	3.9	11	Substitute 'expansion' for 'expension'.
7	2086	3.19	11	Insert 'that' after the words 'have stated' and before the word 'there'.
8	2087	3.22	4	Substitute 'those' for 'these'.
9	2090	3		Substitute "A" for "B", in the title of the Table.
10	2092	3.33	11	Insert 'a' after the word 'that' and before the word 'peison'.
11	2093	3.34	7	Substitute 'urged' for 'rged' and 'the' for 'th'.

I	2	3	4	5
12	2094	3.37	9	Substitute 'these' for 'those' in the words "terms of service of those employees....."
13	2095	3.42	9	Substitute 'nature' for 'naure'.
14	2096	3.46	3	Add 's' to the word 'graduate' in the group of words "at the rate of Rs. 15/- to graduate".
15	2097	3.53	1	Substitute 'sum' for 'sun'.
16	2100	3.56	20 from the top of the page.	Substitute 'unhappy' for 'unhapy'.
17	2103	3.76	9	Delete 'n' from the word "Lalagunda".
18	2107	3.79	Last line of page 2107	Substitute 'Special' for 'Spedial'.
19	2113	3.82	9 from the top of the page.	Insert 'the' after the word 'date' and before the word 'award'.
20	2114	3.86	23	Substitute 'the' for 'hte'.
21	2117	4.6	8	Substitute 'often' for 'after'.
22	2118	4.8	3 from the top of the page.	Substitute 'said' for 'siad'.
23	2125	5.4	16	Delete 'h' from the word 'exhorbitant'.
24	2126	5.8	4	Add the words "and officiating pay, if any" after the words 'plus special pay, if any' and before the sentence, "The maximum amount payable.....".
25	2127	5.12	2	Substitute 'reference' for the word 'preferen- ce'.
26	2127	5.15	2	Add (.) after the word 'reference' and substitute 'Without' for 'without
27	2129	5.22	10	Substitute 'worthy' for 'wrothy'.
28	2134	5.32	1	Add 's' to the word 'amount'.
29	2134	5.32	2	Delete 's' from the words 'compares'.
30	2135	6.3	10	Substitute '(e)' for '(a)'.
31	2139	7.9	2	Add (.) after the word "pension fund" and substitute 'Without' for 'without'.
32	2141	7.13	13	Substitute "half month's pay" for 'one month's pay' after the words "equal to" and before the words "in respect of.....".
33	2146	8.4	11 from the bottom of the page.	Substitute "Byculla" for "Buculla".
34	2147	8.4	18 from the bottom of the page.	Substitute "Medical" for "Mdical".
35	2150	8.4	13 from the bottom of the page.	Substitute "Bank's" for "Barks".
36	2153	9.5	15	Substitute "whereout" for "whereat".
37	2153	9.5	23	Substitute "at" for "of" appearing after the word 'basis'.
38	2156	10.7	5	Delete 's' from the word "grades".
39	2159	11.4	1 from the top of the page.	Delete (i) given after the word 'however'.
40	2160	1	1 from the top of the page.	Substitute ".*" for ".*" appearing before the word "exclusive of lunch recess".
41	2161	13.4	11	Add (') to the quotation "the duties of sweep- ers.....".
42	2169	14.8	1 from the top of the page.	Substitute 'permitted' for 'prmitted'.
43	2173	17.6	10	Delete 's' from the first word 'connections'.
44	2184	24.3	6	Substitute 'malis' for 'mails'.

1	2	3	4	5
45	2184	24.3	24	<i>Substitute 'in' for 'is' appearing after the words 'At Kanpur turbans....'.</i>
46	2194	27.8	16	<i>Substitute 'completing' for 'completion'.</i>
47	2198	30.1	8	<i>Substitute "proceedings" for the word "proceeding".</i>
48	2202	4	5	<i>Substitute 'increase' for 'Increase'.</i>
49	2202	4	7	<i>Substitute 'increase' for 'Iscrease'.</i>
50	2203	6	1 from the top of the page.	<i>Substitute 'sweeping' for 'weeping'.</i>

[No. 56 (16)/62-LRIV.]

G. JAGANNATHAN, Under Secy.

*New Delhi, the 6th December 1962*

**S.O. 3790.**—Whereas the Central Government is satisfied that the employees of the Cochin Port, Water Supply Installation, Willingdon Island, Cochin are in receipt of benefits substantially similar or superior to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by Section 90 of the said Act, the Central Government hereby exempts the said factory from all the provisions of the said Act.

[No. F. 6(45)/62-HI.]

O. P. TALWAR, Under Secy.

*New Delhi, the 10th December 1962*

**S.O. 3791.**—Whereas the Central Government in the Ministry of Labour and Employment has, by notification Nos. S.O. 3340 and S.O. 3624 dated the 5th November, 1962 and the 24th November, 1962, respectively, made under section 83 of the Mines Act, 1952 (35 of 1952), exempted the coal mines from the operation of section 28 of the said Act until the 31st December, 1962;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 83 of the Mines Act, 1952, the Central Government hereby exempts, until the 31st December, 1962 all coal mines from the provisions of sub-section (1) of section 30 and sub-section (1) of section 31 of the said Act in so far as the said provisions restrict the weekly hours of work to 48 hours.

[No. 1/52/62-MI.]

R. C. SAKSENA, Under Secy.